



CITY COUNCIL

AGENDA

December 3, 2001 – 7:30 P.M.
Council Chambers – City Hall
500 West Big Beaver, Troy, Michigan 48084
(248) 524-3300

CALL TO ORDER **1**

Invocation & Pledge Of Allegiance – Pastor Tim Kade – Faith Lutheran Church **1**

ROLL CALL **1**

A-1 Minutes: Regular Meeting of November 19, 2001 and Special Meeting of November 26, 2001 1

A-2 Presentation: (a) Certificate of Recognition – Troy High School – 2001 Girls Swimming & Diving Team 1

PUBLIC HEARING **1**

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E-2 Standard Purchasing Resolution 5 – Approval of Funding HAVEN Program 4

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E-4 Request for Acceptance of Permanent Easements for Storm Drain/Sewer – Blanche/Livernois Rear Yard Drain – Sidwell #88-20-09-233-016, -017, & -018 4

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk (248) 524-3316 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

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CALL TO ORDER

Invocation & Pledge Of Allegiance – Pastor Tim Kade – Faith Lutheran Church

ROLL CALL

Mayor Matt Pryor
Robin Beltramini
Martin F. Howrylak
Thomas S. Kaszubski
David A. Lambert
Anthony N. Pallotta
Louise E. Schilling

A-1 Minutes: Regular Meeting of November 19, 2001 and Special Meeting of November 26, 2001

Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of November 19, 2001 and Special Meeting of November 26, 2001 be approved.

Yes:

No:

A-2 Presentation: (a) Certificate of Recognition – Troy High School – 2001 Girls Swimming & Diving Team

PUBLIC HEARING

C-1 Request for Commercial Vehicle Appeal – 1800 E. Long Lake Rd.

Resolution #2001-12-

Moved by

Seconded by

a) Resolution A For Approval

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Grant Norris, 1800 E. Long Lake, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford welding truck in a residential district is hereby approved for up to two years.

or

b) Resolution B For Denial

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

- C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Grant Norris, 1800 E. Long Lake, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford welding truck in a residential district is hereby denied.

Yes:

No:

VISITOR COMMENTS

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members, said matter may be acted upon immediately. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. (Rules of Procedure for the City Council, Article 15, as amended May 7, 2001.)

CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. A member of the audience who wishes to speak in opposition to the recommended action for any given Consent Agenda item may do so with the approval of a majority vote of City Council. Any item so removed from the Consent Agenda shall be considered after other items on the consent business portion of the agenda have been heard. (Rules of Procedure for the City Council, Article 13, as amended May 7, 2001.)

E-1 Approval of Consent AgendaSuggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby approved as presented with the exception of Item(s) _____, which shall be considered after Consent Agenda (E) items, as printed.

Yes:

No:

E-2 Standard Purchasing Resolution 5 – Approval of Funding HAVEN ProgramSuggested Resolution

Resolution #2001-12-

RESOLVED, That the City Council of the City of Troy does hereby authorize continued support by providing \$4,500.00 from the Police Department contractual services account for the HAVEN Program.

E-3 Private Agreement for MLS Equity Office Building – 1800 W. Big Beaver – Project No. 00.971.3Suggested Resolution

Resolution #2001-12-

RESOLVED, That the contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and MLS Equity, L.L.C., is hereby approved for the installation of water main and paving at 1800 W. Big Beaver, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

E-4 Request for Acceptance of Permanent Easements for Storm Drain/Sewer – Blanche/Livernois Rear Yard Drain – Sidwell #88-20-09-233-016, -017, & -018Suggested Resolution

Resolution #2001-12-

RESOLVED, That the permanent easements from John E. Bock and Florence M. Bock, Margaret A. Bach and Mary E. Fortier, and Wayne Roberts and Brenda Roberts, being parts of properties having Sidwell #88-20-09-233-016, -017, and -018 respectively, are hereby accepted for the construction, operation, maintenance, and repair of public storm drain; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby directed to record said documents with the Oakland County Register of Deeds, a copy of which shall be attached to the original Minutes of this meeting.

E-5 Request for Acceptance of Warranty Deed and Easements - Wattles Park Condominiums – Choice Development Corporation – Project No. 01.912.3 – Sidwell #88-20-21-102-020

Suggested Resolution
Resolution #2001-12-

RESOLVED, That the Warranty Deed for additional Wattles Road and Finch right-of-way and the permanent easements for water main and sanitary sewer from Choice Development Corporation, being part of property having Sidwell #88-20-21-102-020, are accepted; and the City Clerk is hereby directed to record said documents with the Oakland County Register of Deeds, a copy of which shall be attached to the original Minutes of this meeting.

E-6 Contract With Oakland County Drain Commission

Suggested Resolution
Resolution #2001-12-

RESOLVED, That the Oakland County Drain Commissioner's Contract for Storm Water Management Services with the City of Troy is hereby approved, the Mayor and City Clerk are authorized to execute the documents, and a copy shall be attached to the original Minutes of this meeting.

E-7 Smith v. City of Troy, Al's Jewelry & Loan

Suggested Resolution
Resolution #2001-12-

RESOLVED, That the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of Roosevelt Smith v. Troy Police Department and Al's Jewelry and Loan, and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

REGULAR BUSINESS

Persons interested in addressing City Council on items, which appear on the printed Agenda, may do so at the time the item is discussed. For those addressing City Council, time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 6, as amended May 7, 2001. Persons interested in addressing City Council on items, which are not on the printed Agenda, may do so under the last item of the Regular Business (F) Section.

F-1 **Appointments to Boards and Committees: (a) Advisory Committee for Persons with Disabilities; (b) Board of Canvassers; (c) Downtown Development Authority; (d) Election Commission; (e) Historic District Commission; (f) Historical Commission; (g) Library Committee; (h) Liquor Committee; (i) Planning Commission; (j) Traffic Committee; and (k) Troy Daze Committee**

Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That the following persons are hereby appointed by the City Council to serve on the Boards and Committees as indicated:

(a) Advisory Committee for Persons with Disabilities Council Appointment

_____ Term Expires 12-01-2003 (Alternate)

_____ Term Expires 12-01-2004

_____ Term Expires 12-01-2004

(b) Board of Canvassers Council Approval

_____ Unexpired Term Expires 12-31-2003

_____ Term Expires 12-31-2005

_____ Term Expires 12-31-2005

(c) Downtown Development Authority Mayor, Council Approval

_____ Term Expires 09-30-2005

(d) Election Commission

Council Appointment

_____ Term Expires *01-31-2003

_____ Term Expires *01-31-2003

***Note:** Pursuant to Section 7.13 - Election Commission of the Troy City Charter “. . . two members shall be appointed by the council annually in January for a term of one year.”

(e) Historic District Commission

Council Appointment

_____ Term Expires 03-01-2004

(f) Historical Commission

Council Appointment

_____ Student Rep Term Expires 07-01-2002

_____ Term Expires 07-31-2004

(g) Library Committee

Council Appointment

_____ Student Rep Term Expires 07-01-2002

(h) Liquor Committee

Council Appointment

_____ Student Rep Term Expires 07-01-2002

(i) Planning Commission

Mayor, Council Approval

_____ Term Expires 12-31-2004

_____ Term Expires 12-31-2004

_____ Term Expires 12-31-2004

(j) Traffic Committee

Council Appointment

_____ Student Rep Term Expires 07-01-2002

(k) Troy Daze Committee

Council Appointment

_____ Student Rep Term Expires 07-01-2002

Yes:

No:

F-2 Closed SessionSuggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That the City Council of the City of Troy shall meet in Closed Session as permitted by State Statute MCLA 15.268, Sections (d): and MCLA 15.268, (e) and (h) Troy v. Papadelis; MCL 15.243 (g), after adjournment of this meeting.

Yes:

No:

F-3 Janitorial Services – Addition of the Fire/Police Training Center – Clean Care, Resolution #2000-471Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

WHEREAS, A two-year contract for janitorial services with an option to renew for two additional years was awarded to Clean Care of Oak Park, the low bidder, on October 16, 2000, (Resolution #2000-471); and

WHEREAS, The contract contained a provision to negotiate the addition of buildings under construction into the contract as the buildings went into service; and

WHEREAS, The cost of \$.13 per sq. ft. for the Police/Fire Training Center is found to be within the range paid for other buildings currently cleaned by Clean Care;

NOW, THEREFORE, BE IT RESOLVED, That Resolution 2000-471 is hereby amended to add the Police/Fire Training Center to the Janitorial Services contract with Clean Care of Oak Park at a monthly cost of \$875.00 or \$10,500.00 per year.

Yes:

No:

F-4 Bid Waiver – Bus Rental for Downhill Ski ProgramSuggested Resolution

Resolution #2001-12-

Moved by

Seconded by

WHEREAS, A market comparison has been conducted for bus rental for the Parks and Recreation Department 2001-02 Downhill Ski Program; and

WHEREAS, It has been determined that the Troy School buses meet the Parks and Recreation Department's restrictions regarding cancellation notice, and the buses are available on both Friday and Saturday; and

WHEREAS, It is the determination of the City Manager and City Council of the City of Troy that no benefit would result to the City to solicit additional sealed bids;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and a contract to provide bus rental for nineteen, 66-passenger buses, for five consecutive weeks, for the Parks and Recreation Department 2001-02 Downhill Ski Program is hereby awarded to the Troy Schools at a unit cost of not more than \$319.19 (Friday) and \$380.88 (Saturday) with the total award not to exceed \$33,000.00.

Yes:

No:

F-5 Conference Room Renovation – Upper Level

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, The City Staff is authorized to renovate the Upper Level Conference Room at an estimated cost of \$96,100.00 in accordance with Appendix B, Detailed Cost Estimates.

Yes:

No:

F-6 Contract Ratification – Troy Police Officers Association

Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That a collective bargaining agreement between the City of Troy and Troy Police Officers Association (TPOA) for the period July 1, 2001 through June 30, 2005 is hereby ratified by the City Council of the City of Troy, the Employer, and the Mayor and City Clerk are authorized to execute the final agreement.

Yes:

No:

F-7 Additional Funds for Troy Medi-Go PlusSuggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That the City Council of the City of Troy does hereby authorize additional funding in the amount of \$60,000.00 for Troy Medi-Go Plus for fiscal year 2001/2002.

Yes:

No:

F-8 Council Rules of Procedures and Guidelines for Proposed Wetlands, and Natural Features Ordinances Public Hearing**(a) Resolution A**Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That Council Rule 15 is hereby suspended to allow for amended visitor participation for the Proposed Wetlands, and Natural Features Ordinances Public Hearing.

Yes:

No:

(b) Resolution BSuggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That Council Rule 15 is hereby amended for the Proposed Wetlands, and Natural Features Ordinance Public Hearing to incorporate 1, 2, 3 and 4 as follows:

- 1) Any person, not a member of the Council, may address the Council with recognition of the Chair and shall be allowed to speak no longer than ____ minute/s for items not previously discussed and no longer than ____ minute/s for items previously discussed, unless so permitted by the Council (An item will be considered previously discussed if it appears on the question and answer handout, which will be attached to the January 15, 2002 Agenda and items previously discussed to the prior to the visitor addressing Council).

- 2) Mayor ProTem/Council Member _____ shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.
- 3) Audience participation will be restricted to allow for participation from the individuals listed on the waiting list from the October 9, 2001 Public Hearing prior to all other visitors present wishing to make public comment (A listing of the individuals on the carry-over list will be attached to the January 15, 2002 Public Hearing Agenda).
- 4) If a continuance of the Public Hearing is necessary, public comments on January 16, 2002 will be restricted to individuals present at the Public Hearing of January 15, 2002 who were unable to address Council due to time limitations and have placed their name on the carry-over list of participants for the Public Hearing of January 16th.

Yes:

No:

F-9 Parks and Recreation Advisory Board, Chapter 27 City CodeSuggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That an Ordinance to amend Chapter 27 of the code of the City of Troy is hereby approved and a copy shall be attached to the original Minutes of this meeting.

Yes:

No:

F-10 Approval of an Informal Quotation Procedure for the Trimble Upgrade in Lieu of Formal BiddingSuggested Resolution

Resolution #2001-12-

Moved by

Seconded by

WHEREAS, Research was conducted to find a GPS and Total Station System and prices were obtained from the finalists and they are Michigan Survey Supply, G. Lengemann Co. and Leica.

WHEREAS, The Trimble units are found to be superior and the lowest price based upon similar federal pricing.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and the City Council gives approval to purchase one Trimble 5603 Autolock W/Direct Reflex EDM Total Station System from Michigan Surveyors Supply, Lansing, MI for \$16,985.00 and to purchase two Trimble 5700 GPS Receivers from G. Lengemann Co., Niles, MI for \$28,161.00.

The purchase price of both the Total Station and GPS Units include the poles, cables, brackets, software, batters, training, warranty and setup.

Yes:

No:

F-11 RFP for Economic Feasibility for a Conference Center and Related Elements for the Civic Center SiteSuggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That Troy City Council awards the contract for an economic Feasibility Study for the conference center and selected elements on the Civic Center site to Hospitality Advisors Consulting Group of Ann Arbor, in accordance with their proposal dated November 14, 2001 for a sum not to exceed \$29,400.00.

Yes:

No:

F-12 Amendments to Chapter 16, Section 2.19 Composting 5 (b)Suggested Resolution

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That an ordinance amendment to Chapter 16, Section 2.19 is hereby adopted. A copy of this ordinance shall be attached to the original Minutes of this meeting.

Yes:

No:

COUNCIL COMMENTS/REFERRALS

VISITORS

Any person not a member of the Council who have not addressed Council during the 1st Visitors Comments may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members, said matter may be acted upon immediately. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. (Rules of Procedure for the City Council, Article 5 (16) and Article 15, as amended May 7, 2001.)

REPORTS AND COMMUNICATIONS

G-1 Proposed City of Troy Proclamations:

Resolution #2001-12-

Moved by

Seconded by

RESOLVED, That the following City of Troy Proclamations, be approved:

Yes:

No:

G-2 Minutes – Boards and Committees:

- (a) Liquor Advisory Committee Minutes/Final – October 8, 2001
- (b) Employees' Retirement System Board of Trustees/Final – October 10, 2001
- (c) Board of Zoning Appeals/Final – October 16, 2001
- (d) Planning Commission Special Meeting/Final – October 23, 2001
- (e) Advisory Committee for Senior Citizens/Draft – November 1, 2001
- (f) Advisory Committee for Persons with Disabilities/Draft – November 7, 2001
- (g) Building Code Board of Appeals/Draft – November 7, 2001
- (h) Employees' Retirement System Board of Trustees/Draft – November 14, 2001
- (i) Charter Revision Committee/Draft – November 20, 2001

G-3 Department Reports:

G-4 Announcement of Public Hearings:

- (a) Request for Rezoning From Cordell Craig on Behalf of C-4 Motion, Inc. – Section 28 – From B-2 to H-S – Scheduled for December 17, 2001
 - (b) Request for Rezoning From Burton-Katzman Development Company – Section 21 – from R-C to O-S-C – Scheduled for December 17, 2001
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G-5 Proposed Proclamations/Resolutions from Other Organizations:

G-6 Letters of Appreciation:

- (a) Thank You from Iva M. Shambarger to Carla Vaughn, Senior Director, Regarding the “Free Leaf Clean-Up for Seniors”
 - (b) E-Mail Advising that Theodore Diamond Visited the DPW to Compliment and Thank the Water Department for the Professional and Well Done Repair Job Done on His Property
 - (c) Letter From Rosemary Kornacki - Chair, Troy Museum and Historic Village to Mayor Pryor and City Council Members in Appreciation of the Fine Job of Lorraine Campbell as Acting Museum Director
 - (d) Letter from Tony DeFilippis to Bill Need in Recognition of DPW Staff Members Tom Rosewarne and Tim Richnak
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G-7 Calendar

G-8 City of Troy v. Chuinard-Hoose, Et Al (4174 Livernois)

G-9 Changing Election Dates

G-10 Concession Stand Operations Report

G-11 Proposed Conceptual Schemes for the North Side Access to Police Department

G-12 Additional Sturgis Drain Modeling of the Sturgis Drain Suggested by Mr. Michael Kochanski

G-13 Voluntary Stormwater Permit Certificate of Coverage and Resolution in Support of Troy’s Stormwater Pollution Prevention Initiative

G-14 Precluding Enactment of Pension for Council

G-15 Ballot Language for Bond Issuance (Natural Features)

G-16 Fetterly Drain and the Proposed Oak Forest Subdivision

G-17 LinkMichigan Regional Telecommunications Planning Program

G-18 Equalizer Presentation

Staff would like to make a 10-minute presentation to City Council. The presentation will highlight the benefits of the Equalizer received by both the citizens and City staff.

Respectfully submitted,

John Szerlag, City Manager

A Regular Meeting of the Troy City Council was held Monday, November 19, 2001, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:38 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Jason Dunn – Troy Assembly of God and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Martin F. Howrylak
Thomas S. Kaszubski
David A. Lambert
Anthony N. Pallotta
Louise E. Schilling

A-1 Minutes: Regular Meeting of November 5, 2001

Resolution #2001-11-553

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of November 5, 2001 be approved.

Yes: All-7

A-2 a) Citizens Academy Graduation; b) Boys & Girls Club – Donation to the New York City Relief Fund; c) Service Commendation – Roy Fiore; d) Service Commendation – Eldon Thompson; e) Certificate of Recognition – Brian DeFrancesco; f) Troy Families for Safe Homes – Red Ribbon Campaign; g) Presentation: Diane Claeys – Troy Women’s Association; h) 2001 Clarion Award – Police Officer Nicolette Kaptur; i) 2001 APEX Awards for Public Excellence – Police Officer Nicolette Kaptur; j) Comprehensive Annual Financial Report for the Year Ended June 30, 2001

- a) Mayor Pryor presented Citizens Academy graduates with their diplomas.
- b) Representatives from Boys & Girls Club presented a check for over \$700.00 as a donation to the New York Relief Fund.
- c) On behalf of his father, the son of the late Roy Fiore accepted a Service Commendation from the City of Troy.
- d) Mayor Pryor presented a Service Commendation to Eldon Thompson on behalf of the City of Troy.
- e) Mayor Pryor presented a Certificate of Recognition to Brian DeFrancesco on behalf of the City of Troy.

- f) Troy Families for Safe Homes and Webelos Den 2 presented Troy's City Council with their pledge sheets from their Red Ribbon Campaign.
- g) Diane Claeys – Troy Women's Association, presented cookies to City Council for their support of their organization.
- h) Mayor Pryor presented Troy Police Officer Nicolette Kaptur with the 2001 Clarion Award and i) 2001 APEX Award for Public Excellence.
- j) John M. Lamerato, Assistant City Manager/Finance and Administration, gave a brief overview of the Comprehensive Annual Financial Report for the Year Ended June 30, 2001.

RECESS: 8:47 PM – 9:07

PUBLIC HEARING

C-1 Rezoning – Proposed Fountain Park Condominiums, East Side of Rochester and North of Wattles, Section 14, R-1C to R-1T (Z-672)

Resolution #2001-11-554

Moved by Pallotta

Seconded by Schilling

RESOLVED, That the R-1C (One-Family Residential) to R-1T (Medium-Density Residential) rezoning request of 2.74 acres, comprised of 2, 3 and 4 of Supervisor's Plat #22, located on the east side of Rochester Road and north of Wattles Road, Section 14, is hereby approved as recommended by City Management and the Planning Commission.

Yes: All-7

C-2 Request for Commercial Vehicle Appeal – 1956 Castleton

Resolution #2001-11-555

Moved by Kaszubski

Seconded by Howrylak

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

1. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
2. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

3. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
4. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Thomas Scott, 1956 Castleton, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevy cube van in a residential district is hereby **APPROVED** for up to one year or the sale of the house, whichever occurs first.

Yes: Howrylak, Kaszubski, Lambert, Pallotta, Pryor, Beltramini

No: Schilling

MOTION CARRIED

C-3 Request for Commercial Vehicle Appeal – 1421 Hartwig

Resolution #2001-11-556

Moved by Pallotta

Seconded by Howrylak

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

1. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
2. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
3. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
4. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Anthony Benedict, 1421 Hartwig, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevy tow truck in a residential district is hereby **APPROVED** for up to two years and stored behind the garage and the Building Department is to notify City Council if further complaints are received.

Yes: Kaszubski, Lambert, Pallotta, Pryor, Howrylak

No: Schilling, Beltramini

MOTION CARRIED

C-4 Request for Parking Variance – 1477 John R

Resolution #2001-11-557

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That Public Hearing for Request for Parking Variance – 1477 John R be continued at the Regular City Council Meeting scheduled for Monday, December 17, 2001

Yes: All-7

C-5 Adoption of the Community Development Block Grant (CDBG) 2002

Resolution #2001-11-558

Moved by Pallotta

Seconded by Beltramini

WHEREAS, The City of Troy will receive approximately \$213,290.00 for Community Development Block Grant funds for the year 2002; and

WHEREAS, The City Council of the City of Troy, after conclusion of a Public Hearing on this date, has determined that funding should be provided through the 2002 Community Development Block Grant (CDBG) Program for the Home Chore Program; Administration, Installation of Automatic Door Openers at the DPW Facility, and Section 36 Storm Drain Construction on Dashwood and Lovington Streets; and

NOW, THEREFORE, BE IT RESOLVED, That the Home Chore Program, Administration, Installation of Automatic Door Openers at the DPW Facility, and Section 36 Storm Drain Construction on Dashwood and Lovington Streets are hereby designated as Community Development Block Grant (CDBG) Projects for 2002; and

BE IT FINALLY RESOLVED, That a request to have 1998 unspent funds be reprogrammed from Remove Architectural Barriers, Minor Home Repair, and Special Assessment to Section 36 Flood Drain Improvements and that a one-year subrecipient agreement is hereby approved.

Yes: All-7

VISITOR COMMENTS

Resolution #2000-11-559

Moved by Pallotta

Seconded by Schilling

RESOLVED, That a joint City Council meeting be scheduled for Wednesday, January 2, 2002 with the Advisory Committee for Persons with Disabilities at 7:30 PM in the Lower Level Conference Room.

Yes: All-7

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2001-11-560

Moved by Pallotta

Seconded by Schilling

RESOLVED, That all items as presented on the Consent Agenda are hereby approved as presented.

Yes: All-7

E-2 2002 Annual Membership Dues to the National League of Cities (NLC)

Resolution #2001-11-560-E-2

RESOLVED, That the 2002 annual membership dues to the National League of Cities, in the amount of \$5,292.00, be approved for payment.

E-3 City of Troy Investment Policy and Establishment of Investment Accounts

Resolution #2001-11-560-E-3

RESOLVED, That the Investment Policy and Establishment of Investment Accounts outlined in the memorandum from Assistant City Manager/Finance and Administration, John M. Lamerato dated November 1, 2001, with annual review and approval, is hereby approved and copies shall be attached to the original Minutes of this meeting.

E-4 Safe Drinking Water Act Mandated Fee

Resolution #2001-11-560-E-4

RESOLVED, That the request authorizing payment to the State of Michigan, Department of Environmental Quality, for an ongoing annual fee as mandated under the Safe Drinking Water Act based on the number of residents served is hereby approved.

E-5 Execution of Documents Pursuant to Agreement Between the City of Troy and Walsh College for Property

Amended resolution taken out of order after Council Comments/Referrals.

E-6 Standard Purchasing Resolution 1: Award to Low Bidder – Two V-Bottom Salt Spreaders with Hydraulics

Resolution #2001-11-560-E-6

RESOLVED, That a contract to purchase two V-bottom Salt Spreaders with hydraulics is hereby awarded to the low bidder, Santoro, Inc., at unit prices contained in the bid tabulation opened October 25, 2001, at an estimated total cost of \$20,990.00, a copy of which shall be attached to the original Minutes of this meeting.

E-7 Request to Authorize Mayor and City Clerk to Sign Easement to Detroit Edison on City-Owned Parcel, Sidwell #88-20-22-358-016

Resolution #2001-11-560-E-7

RESOLVED, That the permanent underground easement from the City of Troy to Detroit Edison Company, being part of property having Sidwell #88-20-22-358-016, is hereby approved, and the Mayor and City Clerk are authorized to execute the document, copies of which shall be attached to the original Minutes of this meeting.

E-8 Continuation of Construction Testing Services Provided by Testing Engineers and Consultants, Inc.

Resolution #2001-11-560-E-8

WHEREAS, Quotations were received and a contract awarded to Testing Engineers and Consultants, Inc. on June 19, 2000 to provide consultant engineering testing services for 2000 and 2001; and

WHEREAS, Testing Engineers and Consultants, Inc. has agreed to extend the contract for a period not to exceed three (3) months with approval by City Council;

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy continue the contract with Testing Engineers and Consultants, Inc. for a period not to exceed three (3) months to allow sufficient time for bids to be taken.

E-9 Private Agreement for Troy Pines #2 Condominiums Project No. 01.920.3

Resolution #2001-11-560-E-9

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Premium Construction is hereby approved for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, landscaping, soil erosion and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That this approval is contingent upon final review and approval of engineering plans by the City Engineer.

E-10 Request for Approval to Pay Residential Relocation Claim – John & Tracy Pavone (TCBP, LLC) – Section 36 Parkland – Project No. 95.201.5 – Sidwell #88-20-36-100-035

Resolution #2001-11-560-E-10

RESOLVED, That as required by Michigan Laws and Federal Guidelines, the City Council of the City of Troy hereby authorizes payment for relocation benefits in the amount of \$1,589.75, to John and Tracy Pavone (TCBP, LLC), the former tenants displaced from the property at 2380 East Maple Road.

E-11 Opticom Agreement With Road Commission

Resolution #2001-11-560-E-11

RESOLVED, That the Agreement for Emergency Vehicle – Traffic Signal Preparation between the Road Commission for Oakland County and the City of Troy, is hereby approved, and the Mayor and City Clerk are authorized to execute the document, and a copy is to be attached to the original Minutes of this meeting.

E-12 Phoenix Management Services, Inc. v. City of Troy

Resolution #2001-11-560-E-12

RESOLVED, That the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of Phoenix Management Services, Inc. as Liquidating Agent for MedMax, Inc. and MedMax-Macomb, Inc. v. City of Troy, and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

E-13 WPW v. City of Troy

Resolution #2001-11-560-E-13

WHEREAS, The Michigan Supreme Court has granted leave to appeal in the WPW Acquisition Company v. City of Troy litigation; and

WHEREAS, There are several cases held in abeyance throughout the State of Michigan, due to the pendency of the WPW v. City of Troy case; and

WHEREAS, The WPW v. City of Troy case challenges the constitutionality of MCL 211.34(d), which was enacted by the Michigan Legislature in order to implement the provisions of Proposal A, which caps the taxable value of property; and

WHEREAS, MCL 211.34(d) allows local jurisdictions to exceed the Proposal A cap on taxable value of property when there are additions to a property; which includes increases in occupancy for an office building when decreases have previously been permitted to account for reduced occupancy; and

WHEREAS, The City of Troy believes that the issues involved in such litigation or controversy are such that the Michigan Municipal League Legal Defense Fund may wish to provide supportive aid in such litigation or controversy; and

WHEREAS, The City of Troy desires to receive the assistance of the Michigan Municipal League Legal Defense Fund;

NOW THEREFORE, BE IT RESOLVED, That the City of Troy hereby authorizes the City Attorney to apply for aid from the Michigan Municipal League Legal Defense Fund in the WPW v. City of Troy case, as defined above. It is understood that there may be conditions placed upon the aid offered by the Fund.

E-14 Request to Set a Public Hearing Regarding Acceptance of a Local Law Enforcement Block Grant

Resolution #2001-11-560-E-14

RESOLVED, That a Public Hearing regarding the Local Law Enforcement Block Grant designated to purchase Automatic External Defibrillators be held on December 17, 2001.

E-15 Troy v. Thomas (Civic Center Project)

Resolution #2001-11-560-E-15

WHEREAS, The City of Troy has filed a lawsuit to acquire the property of Harold R. Thomas, which is located at 11 Town Center Drive, Troy Michigan; and

WHEREAS, A proposed consent judgment has been negotiated between the parties; and

WHEREAS, City Council has determined that it is in the best interest of the City of Troy to settle this matter absent litigation;

NOW, THEREFORE, BE IT RESOLVED, That the proposed consent judgment in the Troy v. Thomas case, which is attached to the original Minutes of this meeting, shall be approved and executed by the attorney representing the City of Troy.

BE IT FURTHER RESOLVED, That the City Manager is further authorized to initiate payment of the agreed sums in final settlement of this matter.

E-16 Application to Drop and Add Co-Licensees by 7-Eleven (2891 Crooks)**(a) License Transfer**

Resolution #2001-11-560-E-16 (a)

RESOLVED, That the request from 7-Eleven, Inc., to drop D & G Batchley, Inc., and add Nisar Siddiqui as Co-Licensee with 7-Eleven, Inc. in 2001 Specially Designated Merchant (SDM) licensed business, located at 2891 Crooks, Troy, MI 48084, Oakland County, be considered for approval. It is the consensus of this legislative body that the application be recommended for issuance.

(b) Agreement

Resolution #2001-11-560-E-16 (b)

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby approves an agreement with 7-Eleven Inc., which shall become effective upon approval of the dropping of D & G Batchley, Inc., and adding of Nisar Siddiqui as Co-Licensee with 7 -Eleven, Inc. in 2001 Specially Designated Merchant licensed business located at 2891 Crooks, Troy, MI 48084, Oakland County; and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original Minutes of this meeting.

E-17 Abandonment of a Permanent Public Utility Easement Located on Property at 209 Park Street

Resolution #2001-11-560-E-17

RESOLVED, That the Permanent Public Utility Easement recorded in Oakland County Register of Deeds Records, Liber 7665, pages 878 through 880 and Liber 7665, pages 884 through 886, being located on property commonly known as 209 Park Street, Troy, Michigan, and having a property identification number of 88-20-34-151-016, is hereby abandoned by resolution. This resolution shall be recorded with the Oakland County Register of Deeds as evidence thereof.

REGULAR BUSINESS

F-1 Appointments to Boards and Committees: (a) Advisory Committee for Persons with Disabilities; (b) Downtown Development Authority; (c) Historic District Commission; (d) Historical Commission; (e) Liquor Committee; (f) Traffic Committee; and (g) Troy Daze Committee

Resolution #2001-11-561

Moved by Howrylak

Seconded by Kaszubski

RESOLVED, That the following persons are hereby appointed by the City Council to serve on the Boards and Committees as indicated:

Mayor, Council Approval

<u>Daniel MacLeish</u>	Term Expires 09-30-2005
<u>Nick Najjar</u>	Term Expires 09-30-2005

Yes: All-7

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for December 3, 2001:

Council Appointment

Term Expires 11-01-2003 (Alternate)

Term Expires 11-01-2004

_____ Term Expires 11-01-2004

Mayor, Council Approval

Term Expires 09-30-2005

Council Appointment

Term Expires 03-01-2004

Council Appointment

Student Rep Term Expires 07-01-2002

Term Expires 07-31-2004

Council Appointment

Student Rep Term Expires 07-01-2002

Council Appointment

Student Rep Term Expires 07-01-2002

Council Appointment

Student Rep Term Expires 07-01-2002

F-2 Closed Session

Resolution #2001-11-
Moved by Beltramini
Seconded by Pallotta

RESOLVED, That the City Council of the City of Troy shall meet in Closed Session on November 26, 2001 after the scheduled Study Session, as permitted by State Statute MCLA 15.268, Section (c), to discuss proposed collective bargaining agreement between the City of Troy and the Troy Police Officers Association.

Vote on Amendment

Resolution #2001-11-562
Moved by Beltramini
Seconded by Pallotta

RESOLVED, That City Council will hold a Closed Session if necessary.

Yes: All-7

Vote on Amended Resolution

Resolution #2001-11-563
Moved by Beltramini
Seconded by Pallotta

RESOLVED, That the City Council of the City of Troy shall meet in Closed Session on November 26, 2001 after the scheduled Study Session, as permitted by State Statute MCLA 15.268, Section (c), to discuss proposed collective bargaining agreement between the City of Troy and the Troy Police Officers Association if necessary.

Yes: Kaszubski, Lambert, Pallotta, Schilling, Pryor, Beltramini
No: Howrylak

F-3 Addendum No. 2 for Preparation of Easement and Right-of-Way Documents, Long Lake Road Design Services Contract for Road Reconstruction, Carnaby Street to Dequindre Road, Projects: 92.203.5, 94.203.5

Resolution #2001-11-564
Moved by Schilling
Seconded by Kaszubski

WHEREAS, The selection of Hubbell, Roth & Clark, Inc. was in accordance with the Michigan Department of Transportation Consultant Selection process for Preliminary Engineering for the Long Lake Road Project, Project No. 92.203.5/94.203.5; and
BE IT RESOLVED, That Addendum No. 2 to the Preliminary Engineering Agreement between Hubbell, Roth and Clark, Inc. and the City of Troy for preliminary road engineering for Long

Lake Road, Project No. 92.203.5/94.203.5, be approved for the preparation of Long Lake Road easement and right-of-way documentation at an estimated cost to the City of Troy not to exceed \$37,253.73, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

Yes: All-7

F-4 Sole Source – Authorization to Purchase Hansen Information Technologies Infrastructure Management and Water Billing System

Resolution #2001-11-565

Moved by Pallotta

Seconded by Schilling

RESOLVED, That the final contract negotiated by the City of Troy to purchase an enterprise-wide Infrastructure Management and Integrated Water Billing System from Hansen Information Technologies is hereby approved at an estimated cost of \$683,375.00, plus an estimated \$70,110.00 per year for maintenance and support, in accordance with Appendix C, Detailed Pricing.

BE IT FURTHER RESOLVED, That contracts to purchase necessary hardware and software in the amount of \$12,000.00 and \$15,100.00 respectively from Compaq off the REMC contract and EDS on the State of Michigan Extended Purchasing Program are hereby approved.

Yes: All-7

F-5 Request for Bid Waiver and Authorization to Hire Real Estate Consultant for Appraisal and Acquisition Work – Proposed Widening of Long Lake Road, Carnaby Street to Dequindre Road

Resolution #2001-11-566

Moved by Pallotta

Seconded by Schilling

RESOLVED, That the City Council approve a bid waiver and the hiring of an independent real estate consultant for the appraisal and acquisition work for the proposed widening of Long Lake Road from Carnaby Street to Dequindre Road, in an amount not to exceed \$92,180.00 as outlined in a memorandum from the Real Estate and Development Department dated October 30, 2001, a copy of which shall be attached and made a part of the original Minutes of this meeting.

Yes: Schilling, Beltramini, Kaszubski, Lambert, Pallotta

No: Pryor, Howrylak

MOTION CARRIED

F-6 2001-02 Budget Amendment No. 1

Resolution #2001-11-567

Moved by Pallotta

Seconded by Kaszubski

RESOLVED, That 2001-02 Budget Amendment No. 1 is hereby approved and a copy shall be attached to the original Minutes of this meeting.

Yes: All-7

Suspend City Council Rules and Continue with Agenda

Resolution #2001-11-568

Moved by Beltramini

Seconded by Kaszubski

RESOLVED, That the City Council suspend the Rules of Procedure #19 and continue discussion on Agenda items to 11:45 p.m.

Yes: All-7

F-7 Sturgis Drain Study for Determining New Base Flood Elevation and Chronology of Single Family Lot Development Request from Mr. Michael Kochanski, Parcel No. 201-15-376-025

Resolution #2001-11-569

Moved by Pallotta

Seconded by Schilling

RESOLVED, That the City of Troy directs Hubbell, Roth and Clark, Inc. (HRC) to proceed with a study of the Sturgis Drain to determine a new base flood elevation in Section 15 in accordance with the City's general services agreement with HRC for an estimated cost to the City of Troy not to exceed \$49,756.00.

Yes: Howrylak, Kaszubski, Lambert, Pallotta, Pryor, Beltramini

No: None

Absent: Schilling

F-8 1) Draft Responses to Questions Raised at the October 9, 2001 Public Hearing on Proposed Natural Features, and Wetland Protection Ordinances; 2) Proposed Date for the Continuation of Public Hearing for Proposed Natural Features, and Wetland Protection Ordinances

Resolution #2001-11-570

Moved by Pallotta

Seconded by Schilling

RESOLVED, That the draft responses to questions raised at the October 9, 2001 Public Hearing on Proposed Natural Features, and Wetland Protection Ordinances be mailed to the appropriate residents; and

RESOLVED, That the City Council of the City of Troy call a Public Hearing for public input on the proposed Wetlands, and Natural Features Ordinances which includes the wetlands natural features map, to be scheduled for Tuesday, January 15, 2002, at the Troy Athens High School Auditorium, 4333 John R Road, Troy, Michigan, at 7:30 PM until 10:30 and a subsequent Public Hearing will be scheduled on Wednesday, January 16, 2002 in the Troy City Council Chamber from 7:30 pm until 10:30 PM if necessary for further public input on the proposed Wetlands, and Natural Features Ordinances which includes the wetlands natural features map.

Yes: All-7

Suspend City Council Rules and Continue with Agenda

Resolution #2001-11-571

Moved by Kaszubski

Seconded by Lambert

RESOLVED, That the City Council suspend the Rules of Procedure #19 and continue discussion on Agenda items to 12:00 a.m.

Yes: All-7

F-9 Proposed Ballot Language for Proposed Natural Features, and Wetland Protection Ordinances

Resolution #2001-11-572

Moved by Kaszubski

Seconded by Pallotta

RESOLVED, That the proposed ballot question concerning an \$18,000,000.00 bond issuance for the purpose of acquiring, preserving, or improving natural features be submitted to the Troy Charter Revision Commission for their immediate review and recommendation.

Yes: Pallotta, Schilling, Pryor, Beltramini, Kaszubski, Lambert

No: Howrylak

MOTION CARRIED

COUNCIL COMMENTS/REFERRALS

Chapter 16 Regarding Composting – Amended 11/16/01

There was a consensus of Council to bring this matter forward at a future date.

ITEM TAKEN OUT OF ORDER

E-5 Execution of Documents Pursuant to Agreement Between the City of Troy and Walsh College for Property

Resolution #2001-11-573

Moved by Pallotta

Seconded by Schilling

RESOLVED, That the Mayor and City Clerk are authorized to execute the attached warranty deed, granting 120-feet of right-of-way to Walsh College, in accordance with the previous agreement dated February 5, 1999.

Yes: All-7

VISITORS

REPORTS AND COMMUNICATIONS

G-1 City of Troy Proclamations:

Resolution #2001-11-574

Moved by Pallotta

Seconded by Howrylak

RESOLVED, That the following City of Troy Proclamations, be approved:

- a) Service Commendation – Roy Fiore
- b) Service Commendation – Eldon Thompson
- c) Christian Heritage Week – November 19, 2001

Yes: All-7

G-2 Minutes – Boards and Committees:

- a) CATV Advisory Committee/Final – July 26, 2001
- b) Parks & Recreation Advisory Board/Final – September 13, 2001
- c) Police and Fire Commission (ACT 78)/Final – September 20, 2001
- d) Advisory Committee for Persons with Disabilities/Final – October 3, 2001
- e) Building Code Board of Appeals/Final – October 3, 2001
- f) Advisory Committee for Senior Citizens/Final – October 4, 2001
- g) CATV Advisory Committee/Draft – October 17, 2001
- h) Traffic Committee/Draft – October 17, 2001
- i) Historical Commission/Draft – October 23, 2001
- j) Planning Commission/Special/Draft – October 23, 2001
- k) Police and Fire Commission (ACT 78)/Draft – November 6, 2001
- l) Liquor Advisory Committee/Draft – November 12, 2001
- m) Library Advisory Board/Final – October 11, 2001
- n) Library Advisory Board/Draft – November 8, 2001

Noted and Filed

G-3 Department Reports:

- a) Permits Issued During the Month of October 2001
- b) Monthly Financial Report – October 31, 2001

Noted and Filed

G-4 Announcement of Public Hearings:

- a) Request for Commercial Vehicle Appeal – 1800 E. Long Lake Rd. – Scheduled for December 3, 2001

Noted and Filed

G-5 Proposed Proclamations/Resolutions from Other Organizations:

G-6 Letters of Appreciation:

- a) Letter from David G. Gorcyca, Prosecuting Attorney – County of Oakland, to Chief Charles Craft Commending Sergeant James Clark, Lieutenant Richard Hay, and

Officers Larry Scher, Russ Harden, and Ronald Bodek and PSA Jason Straz For Their Assistance With a Case

- b) Telephone Call Received from Virginia Scott – 5123 Falmouth, to Compliment Greg Russell For the Efficient Manner in Which He Conducted an Inspection at Her Home
- c) E-Mail from Bob Schultz to John M. Lamerato Thanking Him and the Finance Staff For the Information Provided at the Citizen's Academy
- d) Letter from Chief Richard G. Patterson – Birmingham Police Department to Chief Charles Craft Thanking the Surveillance Crew Headed by Detective Sergeant Henry Herpel When Assisting Their Department

Noted and Filed

G-7 Calendar

Noted and Filed

G-8 Troy Police Department Pistol Team Achievement

Noted and Filed

G-9 2001 Year-to-Date Crime and Police Calls for Service Report

Noted and Filed

G-10 Memorandum Re: Comparison of Costs to Mow Parks – City Personnel vs. Contracting

Noted and Filed

G-11 Memorandum Re: Proposal by Mr. James Savage for a Pedestrian Overpass on Rochester Road

Noted and Filed

G-12 William Goodman v. City of Troy

Noted and Filed

G-13 Sister City Program

Noted and Filed

G-14 Status Report – Refuse Hauling Contract

Noted and Filed

G-15 Comprehensive Annual Financial Report for the Year Ended June 30, 2001

A copy of the report is available for public viewing at the Troy City Clerk's office.

Noted and Filed

G-16 Proposed Conceptual Schemes for the North Side Access to Police Department
Noted and Filed

The meeting adjourned at 12:00 A.M.

Matt Pryor, Mayor

Tonni L. Bartholomew, City Clerk

A Special Meeting of the Troy City Council was held Monday, November 26, 2001, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:40 P.M.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Martin F. Howrylak
Thomas S. Kaszubski
David A. Lambert
Anthony N. Pallotta
Louise E. Schilling

1 Possible use of SOCRRA-Owned Landfill in Rochester Hills as a Bike Path

State Representative Gosselin and the Michigan Mountain Bike Association addressed the Troy City Council on possible uses of the SOCRRA owned landfill. The Mayor and members of the City of Rochester Hills City Council also addressed the Troy City Council on their communities desire to have a golf course built on the site.

2 Goals and Objectives

City Manager, John Szerlag reviewed with City Council the current City Goals, 2001 Accomplishments, and the proposed objectives and tasks for 2002-04.

3 Executive Session, If Needed - To Discuss Council's Ratification of the Collective Bargaining Agreement with Troy Police Officers Association (TPOA), As permitted by State Statue MCLA 15.268, Section 8 (c)

No Closed Session required.

4 Change in Location for the Continuation of Public Hearing for the Proposed Natural Features, and Wetland Protection Ordinances

Resolution #2001-11-575
Moved by Beltramini
Seconded by Schilling

RESOLVED, That if a second public hearing is necessary, that the location of the Wednesday, January 16, 2002 public hearing for the proposed Wetlands, and Natural Features Ordinances be moved from Troy City Hall, 500 W. Big Beaver, Troy, Michigan to the Troy High School Auditorium, 4777 Northfield Parkway, Troy, Michigan at 7:30 PM.

Yes: All-7

VISITOR COMMENTS

ADJOURN

The meeting adjourned at 10:35 P.M.

Matt Pryor, Mayor

John M Lamerato
Assistant City Manager/Finance and Administration

**CERTIFICATE OF RECOGNITION
TROY HIGH SCHOOL
2001 GIRLS SWIMMING & DIVING TEAM**

WHEREAS, The **Troy High School 2001 Girls Swimming & Diving Team** won the Oakland Activities Association Division 1 League Meet as well as the Heritage Invitational in Flint; and

WHEREAS, Special commendation is due all team members: **Freshmen** - Amanda Haggerty, Kati Hinkson, Nicole Jurayj, Tanya Lynn, Rachel Marshall, Jenny Miller, Megan Muma, Rachel Solak, Amanda Venettis, Nadia Wahid, Grace Yau; **Sophomores** - Katie Ault, Rachel Bartnik, Cynthia Chen, Ginn Choe, Leah Deasy, Tracy Delonge, Lisa Hipp, Jessica Lange, Kendra Lanzen, Alanna Martinico, Anne Marie Merian, Kelly Pageau, Nadia Raheb, Jillian Zak; **Juniors** - Cassie Badhorn, Stefanie Chimenti, Mai Kotlus-Gates, Lindsey O'Neil, Stephanie Skalsky; **Seniors** - Rebecca Bauman, Megan Dankovich, Michelle Fikany, Colleen Kohut, Rachel Koike, Meagan O'Neil, Shannon O'Neil, Alexis Smith, Megan Ziegler; and

WHEREAS, This has been an exciting, hard-fought and successful 2001 swimming & diving season, and we are proud of the record you have earned and the winning reputation you have brought to our community and your school; and

WHEREAS, We applaud Swim Coaches Al Merian and George O'Brien and Diving Coach Alex Bogaerts for their commitment to the Troy High Girls Swimming and Diving Teams;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy commends the 2001 Girls Swimming and Diving Team for their fine efforts, and extends this token of affection and admiration with which you are regarded in this City;

BE IT FURTHER RESOLVED, That the City Council of the City of Troy, joins the citizens of this community in appreciation and celebration of the 2001 Girls Swimming and Diving Division League Championship, their first ever for Troy High.

Signed this 3rd day of December, 2001.

DATE: November 27, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Public Hearing
Request for Commercial Vehicle Appeal
1800 E. Long Lake

On October 16, 2001, information was sent to the residence of Mr. Grant Norris that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the welding truck parked on that property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicles or appeal to City Council for relief of the Ordinance.

In response to our letter, Mr. Norris has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of December 3, 2001.

A copy of the application, original plan, and photo are attached for your reference. Since the original application was filed the petitioner has submitted a revised plan indicating a new location on the site for the storage of the vehicle. That location is behind (south) of the first garage. They have also indicated that they will screen this location on the south and east with a six foot high wood fence. A copy of this revised plan is also included for your reference.

Based on the existence of the three existing accessory buildings on this site, no additional square footage of accessory buildings is allowed on this property. There is however, area for a significant attached garage to be built.

Should you have any questions or require additional information, kindly advise.

COMMERCIAL VEHICLE
APPEAL APPLICATION

RECEIVED

OCT 16 2001

BUILDING
DEPARTMENT

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: Grant F Norris

ADDRESS: 1800 E Long Lake

CITY: Troy MI. ZIP: 48065 PHONE: 740-7543

ADDRESS OF SITE: 1800 E Long Lake

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S) 2FD3F37L1FCB43802

LICENSE PLATE NUMBER(S) P 993 AN

DESCRIPTION OF VEHICLE(S) welding truck with ladder

truck

REASON FOR APPEAL (see A - D below) B ()

If I can't have the truck I will lose my job

I am handicapped and my employer hired me to supervise jobs.

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

Grant F Norris
(signature of applicant)

STATE OF MICHIGAN
COUNTY OF _____

On this 19 day of OCTOBER, 19 2001 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Judith Montreuil
Notary Public, _____ County, Michigan

My Commission Expires: 10-12-05

Judith Montreuil
Notary Public Macomb County, MI
Acting in Oakland County, MI
My Commission Expires
October 12, 2005

RECEIVED

OCT 18 1901

BUILDING
DEPARTMENT

10-18-01

To whom it may concern

I see the residents in 1800 E. Long
Lake Rd are working hard to clean
the back yard which was neglected
for long time.

I think we should be glad that
the yard been cleaned ~~off~~ and
taken clear of and we do not
mind that they park their ^{work} truck
in the back of this yard

Salwa & Daniel

Thomas

Daniel Thomas
1854 E. Long Lake Rd

10-18-01

I do not care if Grant Norris parks his
welding truck on his back lot.

I live to the west of Grant next door.

Julianne B. Miller
1770 E. Long Lake
Troy, mi 48085

RECEIVED
OCT 28 2001
BUILDING
DEPARTMENT

10-17-01

RECEIVED

OCT 26 2001

BUILDING
DEPARTMENT

To Whom it may concern-
City of Troy-

The residence of 1800 E. Long Lake Rd. has been for the past few months, constantly working to clean up their yard. This yard has been in great need of clean up for the past "five years." We are very glad to see the new owners taking some pride in their home.

Their truck is of no concern to us. They can park anything they want in their own yard.

This home I'm sure is now a work in progress. We are very glad to see it finally being taken care of.

Mike & Roberta Burgin
1872 E. Long Lake Rd.

TO: CITY COUNCIL

Please register my approval ☒ objection ☐ to the request described on the reverse side.

My reason for this approval ☒ objection ☐ is:

The vehicle CAN HARDLY BE SEEN FROM
LONG LAKE, IN FACT I DID NOT EVEN
NOTICE IF ONE IS EVEN PARKED ON
SAID PROPERTY.

ALSO THERE ARE MANY TREES ON THE LOT
THAT WOULD CONCEAL A VEHICLE.

I AM AFFECTED BY THIS DECISION BECAUSE
WE LIVE NORTH WEST OF THIS PROPERTY.

David L
29NO01

RECEIVED

NOV 29 2001

BUILDING
DEPARTMENT

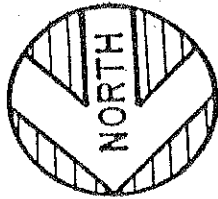
NAME: DAVID TRUSH, KATHY TRUSH

ADDRESS OR PROPERTY DESCRIPTION 5037 WESTMORELAND
TROY, MI 48085

MORTGAGE

Flood Zone C. Areas of minimal flooding.

Truck parked behind accessory bldg



NOTE: GRAVEL
CROSSES LOT
LINE AS SHOWN

NORTHEAST
CORNER OF
SECTION 14
T2N, R1E

10.4
TO
RES.

PROPERTY
AS DESC.

2 CAR
BLDG
FR. RES.
GARAGE

12' GRAVEL DR

SEE
DETAIL

60' R.O.W.
LINE

NOTE:
GRAVEL DR
CROSSES DESC.
PROP. ONTO ADJ.
PROP. AS SHOWN

R.O.B.

ADJ. PART.

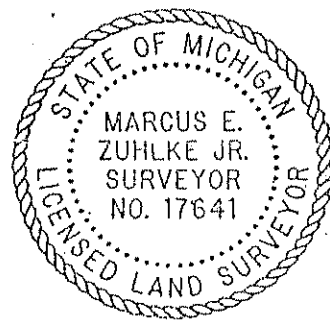
RECEIVED

SEP - 6 2001

BUILDING
DEPARTMENT

E. LONG LAKE RD. 120' WD.

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.



Marcus E. Zuhlke Jr.

JOB NO. 92-09358 SCALE 1"=100'
DATE 04/16/92 DR. BY D.W.

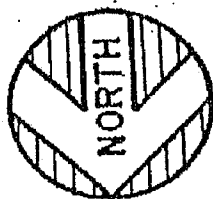
KEM-TEC
LAND SURVEYORS

16041 EAST NINE MILE ROAD
EASTPOINTE, MI 48021
(313) 772-2222
FAX 772-4048

MORTGAG

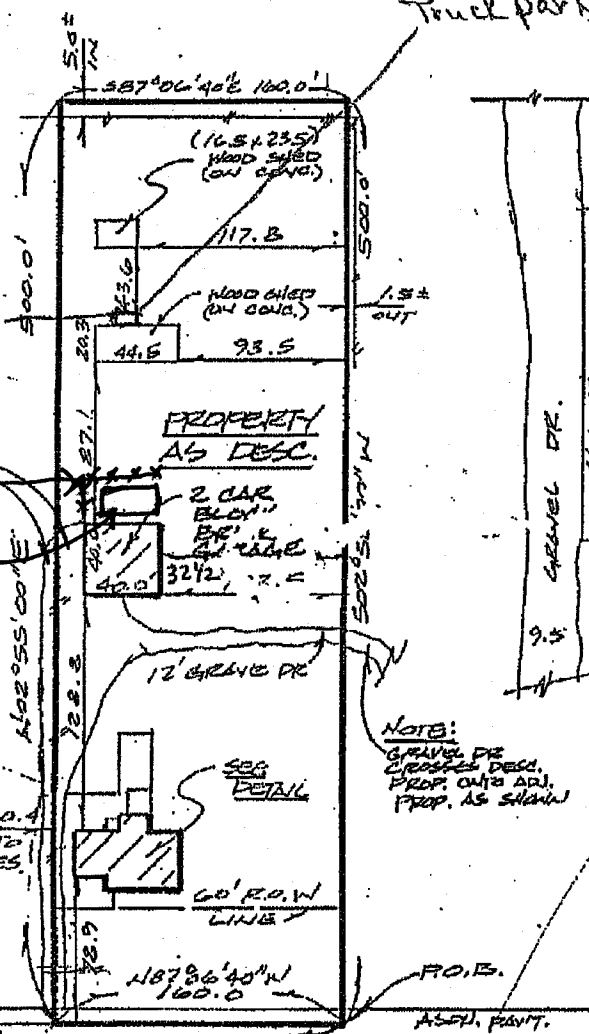
Flood Zone C. Areas of minimal flooding.

Truck parked behind accessory bldg

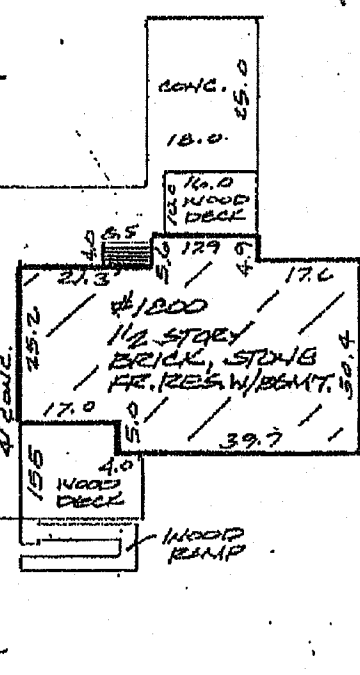


NOTE: GRAVEL
CROSSES LOT
LINE AS SHOWN
Get high fence
new location
of truck

NORTHEAST
CORNER OF
SECTION 14
T2N, R1E



NOTE:
GRAVEL DR
CROSSES DESI.
PROP. ONTO ADJ.
PROP. AS SHOWN



HOUSE DETAIL
SCALE: 1"=30'

RECEIVED

SEP - 6 2001

BUILDING
DEPARTMENT

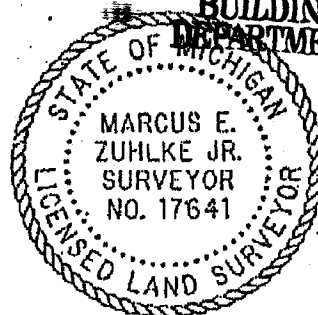
E. LONG LAKE RD. 120' WD

RECEIVED

NOV 20 2001

BUILDING
DEPARTMENT

CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.



Marcus E. Zuhlke Jr.

JOB NO. 92-09358 SCALE 1"=100'
DATE 04/16/92 DR. BY DW.

KEM-TEC
LAND SURVEYORS

10041 EAST NINE MILE ROAD
EASTPOINTE, MI 48021
(313) 772-2222
FAX 772-4048



November 26, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Jeanette Bennett, Purchasing Director
Charles T. Craft, Chief of Police

SUBJECT: Standard Purchasing Resolution 5 – Approval Of Funding
HAVEN Program

RECOMMENDATION:

The Police Department recommends continuing to fund the **HAVEN** in the amount of \$4,500.00 to support victims of domestic assault for residents of the City of Troy.

BACKGROUND:

The services provided by the HAVEN Program include: the Domestic Violence Counseling Program, Sexual Assault/Child Abuse Treatment Program, Court Advocacy Counseling/First Response Team, Residential Program, and Men Exercising Non-Violent Skills Counseling Program.

The funding agreement was previously approved by the City Council on June 15, 1998, with resolution #98-313-C-4c and on February 5, 2001, with resolution #2001-02-076-E-3.

BUDGET:

The Police Department's Police Administration Contractual Services - Haven account #305.7802.108 has been designated for the funding of this program.

Prepared by Marsha Livingston.

November 26, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: Private Agreement for MLS Equity Office Building
1800 W. Big Beaver
Project No. 00.971.3

The Engineering Department has reviewed and approved plans for this project, which includes watermain and paving.

The Developer has provided a check for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director

Prepared by: Gary Streight, Civil Engineer

G:\Projects\Projects - 2000\00.971.3\Private Agreement Cover Letter

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR MLS EQUITY OFFICE BUILDING AT 1800 W. BIG BEAVER
PROJECT No. 00.971.3

The estimated costs of public improvements for the above mentioned project are as follows:

ESCROW DEPOSITS:

Watermain	\$ 1,000.00
Paving	15,000.00

TOTAL ESCROW DEPOSITS:	\$ 16,000.00
-------------------------------	---------------------

CASH FEES:

Plan Review & Inspection	\$ 976.00
--------------------------	-----------

TOTAL CASH FEES:	\$ 976.00
-------------------------	------------------

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 00.971.3PROJECT LOCATION: 1800 BIG BEAVERCOUNCIL RESOLUTION NO.DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and MLS Equity, L.L.C., whose address is 1800 W. Big Beaver, Troy, MI 48064, and whose telephone number is (248)822-9030 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of watermain & paving in accordance with plans prepared by Nowak & Fraus, whose address is 1310 N. Stephenson Hwy., Royal Oak, MI 48067-1508, and whose telephone number is (248) 399-0888, and approved prior to construction by the City Specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of \$16,000.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash☐Certificate of Deposit☐Irrevocable Bank Letter of Credit☐Check☒

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee	\$ 976.00
Water Main Testing Fee (Separate Check)	<u>0.00</u>
Street Cleaning/Road Maintenance	
Miscellaneous Road and Pavement Repair	
TOTAL:	\$ 976.00
* 6.1% (.061) of approximate contract price	

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 00.971.3PROJECT LOCATION: 1800 W. BIG BEAVERCOUNCIL RESOLUTION NO.DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$16,976.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents. Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 00.971.3PROJECT LOCATION: 1800 W. BIG BEAVER

COUNCIL RESOLUTION NO. _____

DATE OF COUNCIL APPROVAL: _____

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this
13th day of November, 2001.

OWNERS,

CITY OF TROY

By:

By:

MLS Equity, L.L.C.
Michael A. Locricchio
Managing Member

Please Print or Type

Matt Pryor, Mayor

Please Print or Type

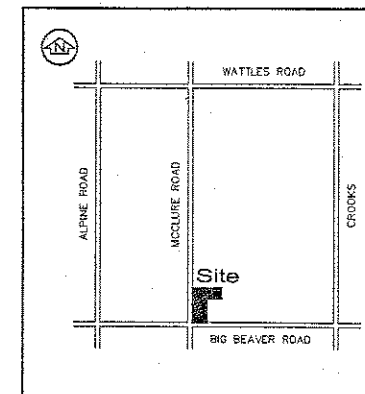
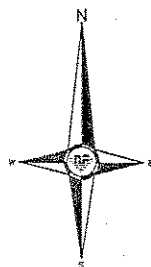
Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 13th day of November, A.D. 2001, before me personally
appeared Michael A. Locricchio, Managing Member known by me to be
the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and
deed.

Cynthia K. Zenag
CYNTHIA K. ZENAG
Notary Public, Oakland County, MI
My Commission Expires Nov. 10, 2001

NOTARY PUBLIC, OAKLAND County, MichiganMy commission expires: 11-15-2001



LOCATION MAP
N.T.S.

NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1310 N. Stephenson Highway
Royal Oak, MI 48067-1508
Tel. (248) 399-0886
Fax. (248) 399-0805

SEAL

LEGAL DESCRIPTION

Lot 87 except the South 42 feet, and oil of Lot 85 of "Muer's Garden Farms" Subdivision as recorded in Liber 15 of plat, Page 45, Oakland County Records, of part of the S.E. 1/4 of Section 20, T.2N., R.11E., City of Troy, Michigan. Containing 68,163 square feet or 1.565 acres.

PROJECT
Office Building
Addition

CLIENT
M. L. S. & Co.
1800 Big Beaver Rd.
Troy, MI 48084

PROJECT LOCATION
Part of the S.E. 1/4 of
Section 20 T. 2 N., R. 11 E.
City of Troy, Oakland Co.,
Michigan

SHEET
General Plan

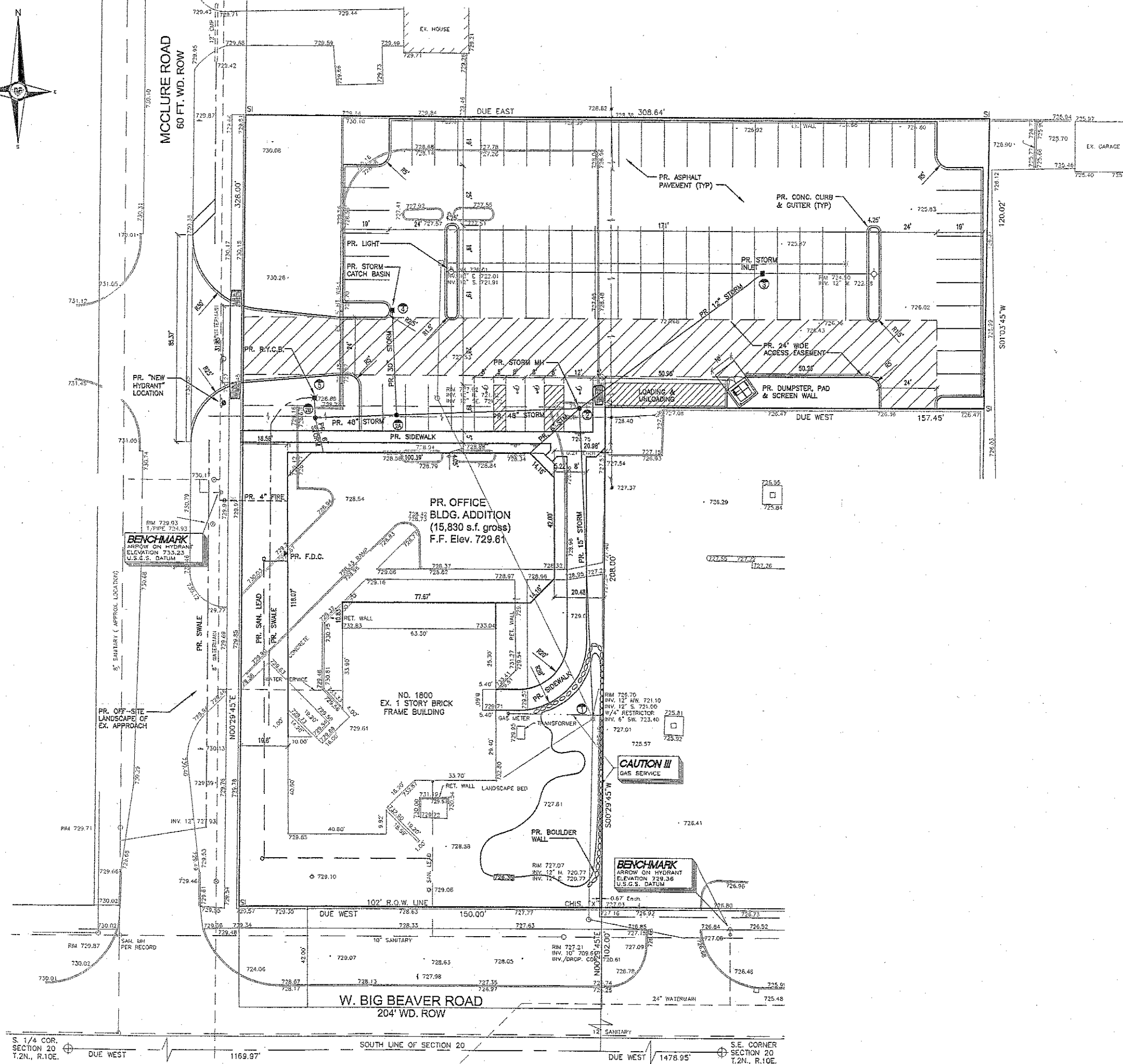


DATE/REVISION
09-05-01 REV. PER CITY ENGINEER
10-31-01 REV. PER CITY ENGINEER

DRAWN BY:
A. Wiseman
DESIGNED BY:
A. Wiseman
APPROVED BY:
A. Orman

DATE:
06-08-01
SCALE:
1" = 20'

N/F JOB NO.
1-B631
SHEET NO.
3



LEGEND	
	EXISTING SANITARY SEWER
	SAN. CLEAN OUT
	EXISTING WATERMAIN
	EXISTING STORM SEWER
	EX. R. Y. CATCH BASIN
	EXISTING BURIED CABLES
	OVERHEAD LINES
	LIGHT POLE
	SIGN
	EXISTING GAS MAIN
	PR. SANITARY SEWER
	PR. WATERMAIN
	PR. STORM SEWER
	PR. R. Y. CATCH BASIN
	SAND BACKFILL (92% DENSITY)
	PROPOSED LIGHT POLE
	PR. TOP OF CURB ELEVATION
	PROPOSED CUTTER ELEVATION
	PR. TOP OF WALK ELEV.
	PR. TOP OF PAVEMENT ELEV.
	PROPOSED INLET FILTER
	DRAINAGE AREA LIMITS
	PROPOSED SILT FENCE

November 20, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Acceptance of Permanent Easements for Storm
Drain/Sewer
Blanche/Livernois Rear Yard Drain
Sidwell #88-20-09-233-016, -017 & -018

In connection with the installation of a rear and side yard drainage project on Livernois Road, north of Blanche, the Real Estate & Development Department has acquired the documents listed below. The consideration on each document is \$1.

<u>SIDWELL #</u>	<u>OWNERS</u>	<u>ADDRESS</u>
9-233-016	John E. Bock & Florence M. Bock	70 Blanche
9-233-017	Margaret A. Bach & Mary E. Fortier	5741 Livernois
9-233-018	Wayne Roberts & Brenda Roberts	5721 Livernois

In order for the Streets and Drains Department to proceed with this project, we recommend that City Council accept the attached easements.

cc: William Need, Public Works Director
Parcel File

Att.

PERMANENT EASEMENT

Sidwell #88-20-09-233-016

John E. Bock and Florence M. Bock, husband and wife, Grantors, whose address is 70 Blanche, Troy, Michigan 48098 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm drain/sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

THE EAST 20.00 FEET OF THE SOUTH 20.00 FEET OF THE NORTH 112.54 FEET OF THE FOLLOWING DESCRIBED PARCEL:

LOT 156, HOUGHTEN ACRES NO. 1 AS RECORDED IN LIBER 68, PAGE 34, OAKLAND COUNTY, MICHIGAN RECORDS. SAID PLAT BEING LOCATED IN THE NORTHEAST ¼ OF SECTION 9, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed THEIR signature(s) this 30TH day of AUGUST A.D. 20 01

In presence of:
WITNESS

Patricia A. Petitto
*
Kristine A. Hill
*

John E. Bock (L.S.)
*John E. Bock
Florence M. Bock (L.S.)
*Florence M. Bock

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 30TH day of AUGUST, 2001, by John E. Bock and Florence M. Bock, husband and wife.

Patricia A. Petitto
*
Notary Public, OAKLAND County, Michigan
My Commission Expires 12-31-04

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

PERMANENT EASEMENT

Sidwell #88-20-09-233-017

Margaret A. Bach and Mary E. Fortier, Grantors, whose address is 5741 Livernois, Troy, Michigan 48098 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm drain/sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

THE SOUTH 6.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

LOT 155, HOUGHTEN ACRES NO. 1 AS RECORDED IN LIBER 68, PAGE 34, OAKLAND COUNTY, MICHIGAN RECORDS. SAID PLAT BEING LOCATED IN THE NORTHEAST ¼ OF SECTION 9, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 31 day of August A.D. 2001

In presence of:
WITNESS

Nicola A Kuchinski
* NICOLA AKUCHINSKI

Gail Jones
* GAIL JONES

STATE OF MICHIGAN)
COUNTY OF Macomb)

Margaret A Bach (L.S.)

*Margaret A. Bach

Mary E. Fortier (L.S.)

*Mary E. Fortier

The foregoing instrument was acknowledged before me this 31 day of August, by Margaret A. Bach and Mary E. Fortier.

KAREN BAZYDLO
Notary Public, Macomb County, MI
My Commission Expires Aug 1, 2005

Karen Bazydlo
*
Notary Public, Macomb County, Michigan
My Commission Expires August 1, 2005

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

PERMANENT EASEMENT

Sidwell #88-20-09-233-018

Wayne Roberts and Brenda Roberts, husband and wife, Grantors, whose address is 5721 Livernois, Troy, Michigan 48098 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm drain/sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

THE NORTH 6.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

LOT 154, HOUGHTEN ACRES NO. 1 AS RECORDED IN LIBER 68, PAGE 34, OAKLAND COUNTY, MICHIGAN RECORDS. SAID PLAT BEING LOCATED IN THE NORTHEAST ¼ OF SECTION 9, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 28 day of Aug A.D. 2001

In presence of:

WITNESS

MaryAnn Hays

*MaryAnn Hays

Barbara A. Holmes

*Barbara A. Holmes

STATE OF MICHIGAN)
COUNTY OF Oakland)

Wayne Roberts (L.S.)

*Wayne Roberts

Brenda Roberts (L.S.)

*Brenda Roberts

The foregoing instrument was acknowledged before me this 28th day of August, 2001, by Wayne Roberts and Brenda Roberts, husband and wife.

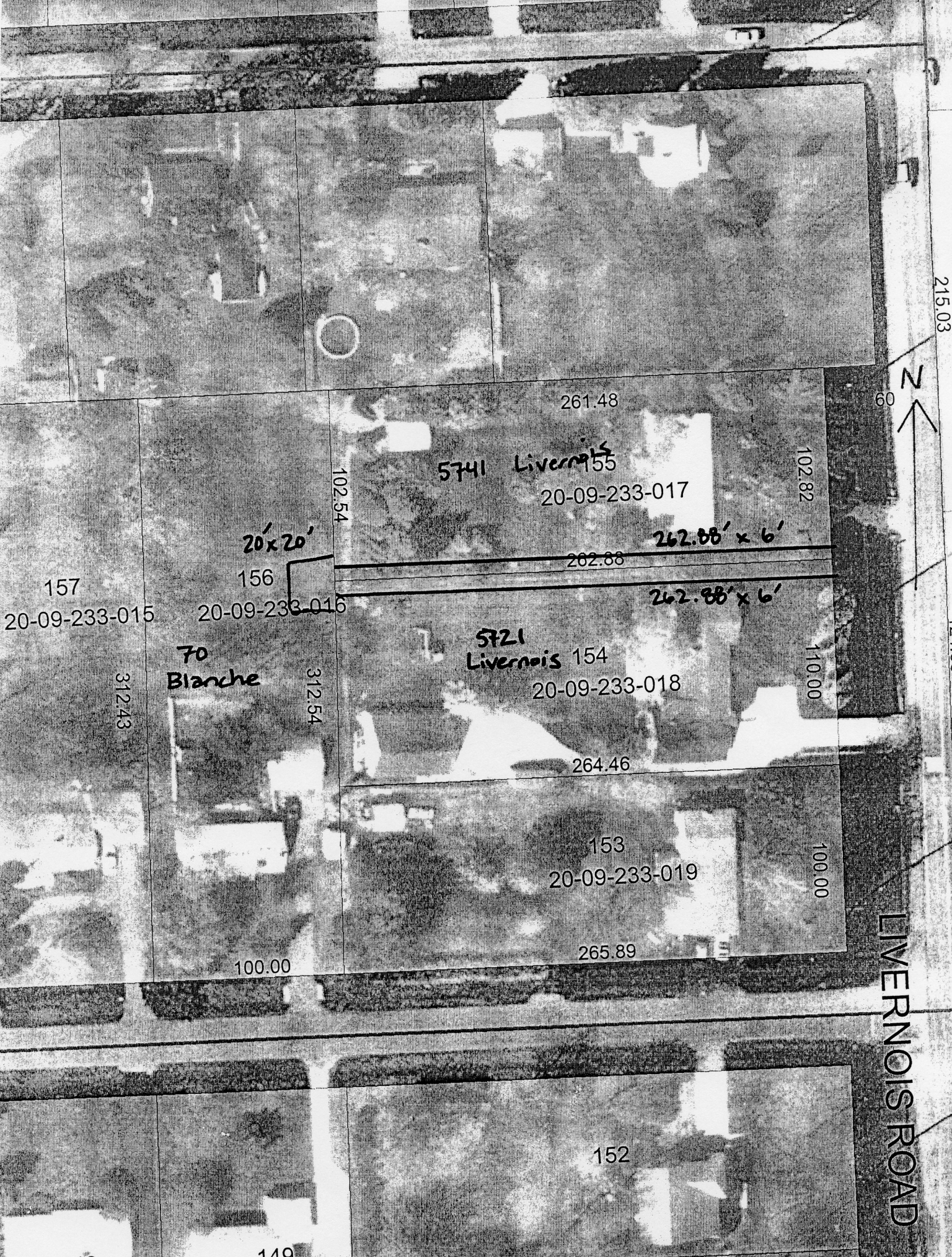
MaryAnn Hays

MARYANN HAYS
Notary Public, Oakland County, MI
My Commission Expires March 16, 2008

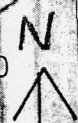
Notary Public, Oakland County, Michigan
My Commission Expires _____

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084



215.03



60

261.48

5741 **Livernois** 155

20-09-233-017

102.82

102.54

20'x20'

262.88' x 6'

262.88

157

156

20-09-233-015

20-09-233-016

262.88' x 6'

70
Blanche

5721 **Livernois** 154

20-09-233-018

110.00

312.54

312.43

264.46

153

20-09-233-019

100.00

100.00

265.89

LIVERNOIS ROAD

152

110

November 26, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Acceptance of Warranty Deed and Easements
Wattles Park Condominiums – Choice Development Corporation
Project No. 01.912.3 - Sidwell #88-20-21-102-020

In connection with the construction of a residential condominium development on the south side of Wattles Road east of Finch, the Real Estate & Development Department has acquired the documents listed below. The consideration on each document is \$1.

<u>GRANTOR</u>	<u>TYPE OF DOCUMENT</u>
Choice Development Corporation	Warranty Deed for additional Wattles Road and Finch Right of Way
Choice Development Corporation	Watermain Easement
Choice Development Corporation	Sanitary Sewer Easement

In order for the developers to proceed with this project, we recommend that City Council accept the attached deed and easements.

cc: Steve Vandette, City Engineer
William Need, Public Works Director
Parcel File

Att.

WARRANTY DEED

Sidwell #88-20-21-102-0 20
Resolution #

The Grantor(s), Choice Development Corporation, a Michigan Corporation, whose address is 755 West Big Beaver Road, Troy, MI 48084 convey(s) and warrant(s) to The City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE ATTACHED EXHIBIT "A"

For the sum of One Dollar (\$ 1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 11th day of OCTOBER, 2001.

Signed in presence of:

Signed by:

Karen M. Clover
* KAREN M. CLOVER

Choice Development Corporation, a Michigan Corporation

Patricia J. Ruston
* Patricia J. Ruston

By Youssef H. Chehayeb
Its Youssef H. Chehayeb
Vice President

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 11th day of OCTOBER, 2001, by Youssef H. Chehayeb, Vice-President of Choice Development Corporation, a Michigan corporation, on behalf of the corporation.

KAREN M. CLOVER
Notary Public, Oakland County, MI
My Commission Expires Oct. 24, 2001

Karen M. Clover
* KAREN M. CLOVER
Notary Public, OAKLAND County, MI
My commission expires: OCTOBER 24, 2001

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Patricia A. Petitto City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel # _____ Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

WATTLES ROAD ADDITIONAL RIGHT-OF-WAY

A PARCEL OF LAND LOCATED IN THE NORTHWEST $\frac{1}{4}$ OF SECTION 21, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 21, THENCE ALONG THE NORTH SECTION LINE (ALSO BEING THE CENTERLINE OF WATTLES ROAD, VARIABLE WIDTH), SOUTH $88^{\circ}58'33''$ EAST 1,109.00 FEET; THENCE ALONG THE CENTERLINE OF FINCH ROAD (WIDTH VARIES), SOUTH $01^{\circ}09'56''$ WEST 50.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF WATTLES ROAD (SOUTH $\frac{1}{2}$ BEING 50 FEET WIDE), SOUTH $88^{\circ}58'33''$ EAST 287.00 FEET; THENCE SOUTH $01^{\circ}09'56''$ WEST 10.00 FEET; THENCE NORTH $88^{\circ}58'33''$ WEST 287.00 FEET; THENCE ALONG THE CENTERLINE OF FINCH ROAD, NORTH $01^{\circ}09'56''$ EAST 10.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.0658 ACRES.

FINCH ROAD ADDITIONAL RIGHT-OF-WAY

A PARCEL OF LAND LOCATED IN THE NORTHWEST $\frac{1}{4}$ OF SECTION 21, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 21, THENCE ALONG THE NORTH SECTION LINE (ALSO BEING THE CENTERLINE OF WATTLES ROAD, VARIABLE WIDTH), SOUTH $88^{\circ}58'33''$ EAST 1,109.00 FEET; THENCE ALONG THE CENTERLINE OF FINCH ROAD (WIDTH VARIES), SOUTH $01^{\circ}09'56''$ WEST 60.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE PROPOSED SOUTHERLY RIGHT-OF-WAY LINE OF WATTLES ROAD (SOUTH $\frac{1}{2}$ BEING 50.00 FEET WIDE), SOUTH $88^{\circ}58'33''$ EAST 30.00 FEET; THENCE SOUTH $01^{\circ}09'56''$ WEST 243.60 FEET; THENCE NORTH $88^{\circ}58'33''$ WEST 30.00 FEET; THENCE ALONG THE CENTERLINE OF FINCH ROAD, NORTH $01^{\circ}09'56''$ EAST 243.60 FEET TO THE POINT OF BEGINNING. CONTAINING 0.0658 ACRES.

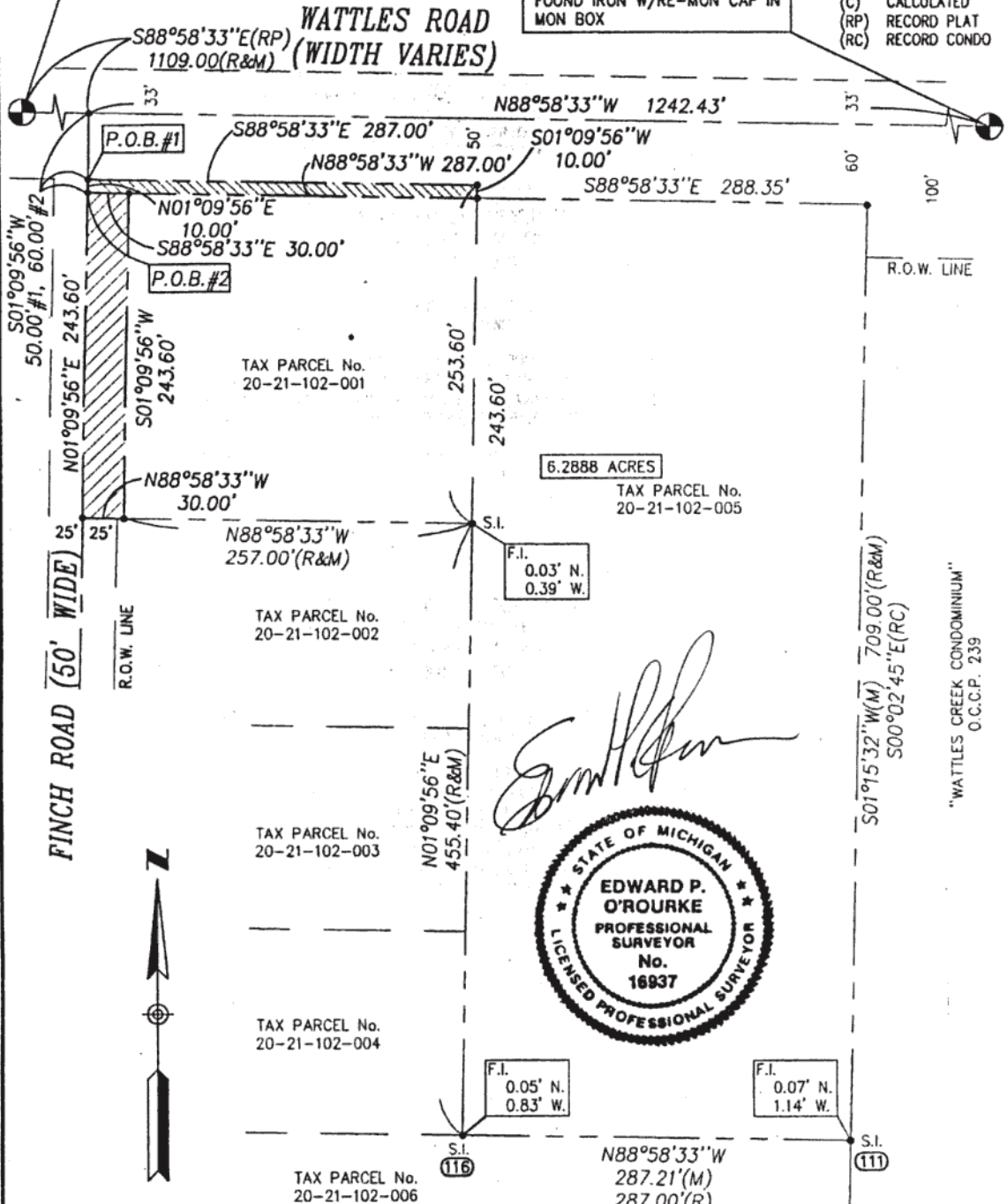
R.O.W. ACQUISITION SKETCH

LEGEND

- S.I. SET IRON
- SPK SET PK NAIL
- F.I. FOUND IRON
- F.M. FOUND MONUMENT
- (10) SDA POINT No.
- (R) RECORD TAX
- (M) MEASURED
- (C) CALCULATED
- (RP) RECORD PLAT
- (RC) RECORD CONDO

NORTHWEST CORNER
SECTION 21, T.2N., R.11E.
L.C.R.C. #3974A L.17038, P.716
CITY OF TROY
FOUND IRON W/RE-MON CAP IN
MON BOX

NORTH 1/4 CORNER
SECTION 21, T.2N., R.11E.
L.C.R.C. #3976A, L.17038, P.720
CITY OF TROY
FOUND IRON W/RE-MON CAP IN
MON BOX



BASIS OF BEARINGS:
THE BEARINGS ON THE SURVEY ARE BASED ON THE NORTH LINE
OF SECTION 21 AS RECORDED IN "SAPPHIRE ESTATES SUBDIVISION"
(L.221 OF PLATS, P.5-8, OAKLAND COUNTY RECORDS.)



**SPALDING DeDECKER
ASSOCIATES, INC.**
ENGINEERS SURVEYORS
905 SOUTH BLVD. EAST
ROCHESTER HILLS, MI 48307
PH: (248) 844-5400 FAX: (248) 844-5404
www.spaldingdedecker.com

DRAWN: P.O'ROURKE	DATE: 06-12-01
CHECKED: P.O'ROURKE	DATE: 06-12-01
MANAGER: P.O'ROURKE	SCALE: 1" = 100'
JOB No. SM00-96	SHEET: 1 OF 2
SECTION 21 TOWN 2 NORTH RANGE 11 EAST	
CITY OF TROY	OAKLAND COUNTY, MI

PERMANENT EASEMENT

Sidwell # 88-20-21-102-020

Project #

Resolution #

Choice Development Corporation, a Michigan Corporation, Grantor, whose address is 755 West Big Beaver Road, Troy, MI 48084 for and in consideration of the sum of: One and 00/100 Dollars (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace watermain, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE ATTACHED EXHIBIT "A" & EXHIBIT "B"

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 29th day of OCTOBER A.D. 20 01.

In presence of:
WITNESS

Choice Development Corporation, a Michigan Corporation

Karen M. Clover
KAREN M. CLOVER

By Youssef H. Chehayeb (L.S.)
Youssef H. Chehayeb
Its: Vice President

Judith A. Connell-Quinones
Judith A. Connell-Quinones

STATE OF MICHIGAN)
COUNTY OF)

The foregoing instrument as acknowledged before me this 29th day of OCTOBER, 20 01, by Youssef H. Chehayeb, Vice President of Choice Development Corporation, a Michigan Corporation, on behalf of the corporation.

KAREN M. CLOVER
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Oct 24, 2005

Karen M. Clover
KAREN M. CLOVER

(Corporations)

Notary Public, OAKLAND County, Michigan

My Commission Expires OCTOBER 24, 2005

Prepared by:

Patricia A. Petitto
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Return to:

City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

**COMBINED PARCEL LEGAL DESCRIPTION AS FIELD SURVEYED BY
SPALDING DeDECKER ASSOCIATES, INC. JUNE 2001**

PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 21, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 21, THENCE ALONG THE NORTH SECTION LINE (ALSO BEING THE CENTERLINE OF WATTLES ROAD, VARIABLE WIDTH), S88°58'33"E 1109.00 FEET; THENCE ALONG THE CENTERLINE OF FINCH ROAD (WIDTH VARIES), S01°09'56"W 60.00 FEET; THENCE S88°58'33"E 30.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF WATTLES ROAD (SOUTH 1/2 BEING 60 FEET WIDE), S88°58'33"E 545.35 FEET; THENCE S01°15'32"W (RECORDED AS S00°02'45"E) 699.00 FEET ALONG THE WESTERLY LINE (AND AN EXTENSION THEREOF) OF "WATTLES CREEK CONDOMINIUM" (OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 239); THENCE N88°58'33"W 287.21 FEET (RECORDED AS 287.00 FEET); THENCE N01°09'56"E 455.40 FEET; THENCE N88°58'33"W 257.00 FEET; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FINCH ROAD (EAST 1/2 BEING 30 FEET WIDE), N01°09'56"E 243.60 FEET TO THE POINT OF BEGINNING. CONTAINING 6.0552 ACRES SUBJECT TO THE RIGHTS OF THE PUBLIC IN WATTLES ROAD AND SUBJECT TO AND TOGETHER WITH ALL EASEMENTS, EXCEPTIONS, RESTRICTIONS, RESERVATIONS AND CONDITIONS CONTAINED IN PRIOR CONVEYANCES OF RECORD OR OTHERWISE.

LEGAL DESCRIPTION OF WATERMAIN EASEMENT (20 FEET WIDE)

A 20 FOOT WIDE EASMENT WHICH IS PART OF THE PARCEL DESCRIBED ABOVE, THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF BEGINNING OF THE PARCEL DESCRIBED ABOVE, THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FINCH ROAD (EAST 1/2 BEING 30 FEET WIDE), S01°09'56"W 224.96 FEET TO A POINT OF BEGINNING OF WATERMAIN EASEMENT; THENCE S88°57'20"E 98.22 FEET TO REFERENCE POINT "A"; THENCE S88°57'20"E 57.51 FEET; THENCE N67°30'00"E 86.06 FEET; THENCE S88°58'28"E 121.77 FEET TO REFERENCE POINT "B"; THENCE S01°01'32"W 2.64 FEET; THENCE S37°16'38"E 12.36 FEET TO REFERENCE POINT "C"; THENCE S37°16'38"E 13.07 FEET; THENCE S01°14'27"W 242.48 FEET TO REFERENCE POINT "D"; THENCE S01°14'27"W 190.67 FEET TO REFERENCE POINT "E"; THENCE S01°14'27"W 25.90 FEET; THENCE S46°01'27"W 13.11 FEET; THENCE S01°01'27"W 17.41 FEET TO A POINT OF ENDING.

ALSO BEGINNING AT REFERENCE POINT "A"; THENCE N01°02'08"E 52.17 FEET TO THE POINT OF ENDING.

ALSO BEGINNING AT REFERENCE POINT "B"; THENCE S88°41'24"E 149.30 FEET TO REFERENCE POINT "F" THENCE S88°41'24"E 6.03 FEET; THENCE N46°01'27"E 22.00 FEET; THENCE N01°12'19"E 175.89 FEET TO THE POINT OF ENDING.

ALSO BEGINNING AT REFERENCE POINT "C"; THENCE N52°43'22"E 12.50 FEET TO THE POINT OF ENDING.

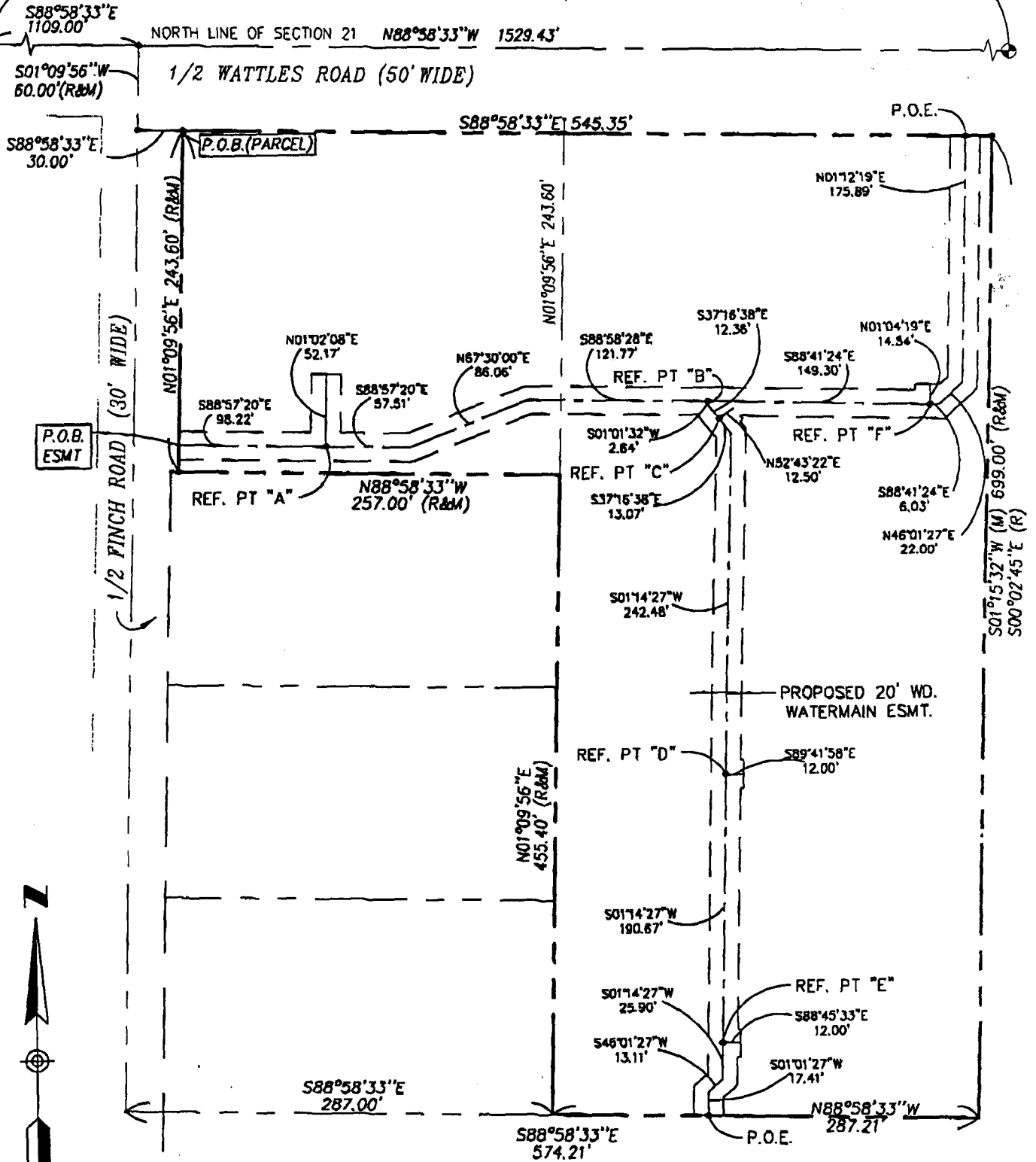
ALSO BEGINNING AT REFERENCE POINT "D"; THENCE S89°41'58"E 12.00 FEET TO THE POINT OF ENDING.

ALSO BEGINNING AT REFERENCE POINT "E"; THENCE S88°45'33"E 12.00 FEET TO THE POINT OF ENDING.

ALSO BEGINNING AT REFERENCE POINT "F"; THENCE N01°04'19"E 14.54 FEET TO THE POINT OF ENDING.

NORTHWEST CORNER
SECTION 21, T.2N., R.11E.
L.C.R.C. #3974A L.17038, P.716
FOUND IRON W/REMON. CAP
IN MON. BOX

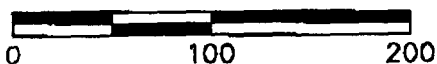
NORTH 1/4 CORNER
SECTION 21, T.2N., R.11E.
L.C.R.C. #3976A L.17038, P.720
FOUND IRON W/REMON. CAP
IN MON. BOX



BASIS OF BEARINGS:

THE NORTH LINE OF SECTION 21 AS RECORDED IN "SAPPHIRE ESTATES SUBDIVISION" (LIBER 221 OF PLATS, PAGES 5 THRU 8, INCL., OAKLAND COUNTY RECORDS)

SCALE 1" = 100'



Project #

Resolution #

Choice Development Corporation, a Michigan Corporation, Grantor, whose address is 755 West Big Beaver Road, Troy, MI 48084 for and in consideration of the sum of: One and 00/100 Dollars (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE ATTACHED EXHIBIT "A"

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

In WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 29th day of OCTOBER A.D. 20 01.

In presence of:
WITNESS

Karen M. Clover
KAREN M. CLOVER

Judith A. Cornell-Quintaves
Judith A. Cornell-Quintaves

STATE OF MICHIGAN)
COUNTY OF)

The foregoing instrument as acknowledged before me this 29th day of OCTOBER, 20 01, by Youssef H. Chehayeb, Vice President of Choice Development Corporation, a Michigan Corporation, on behalf of the corporation.

(Corporations)

Prepared by:

Patricia A. Petitto
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Return to:

City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Choice Development Corporation, a Michigan Corporation

By Youssef H. Chehayeb (L.S.)
Youssef H. Chehayeb
Its: Vice President

KAREN M. CLOVER
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Oct 24, 2005

Karen M. Clover
KAREN M. CLOVER

Notary Public, OAKLAND County, Michigan

My Commission Expires OCTOBER 24, 2005

**COMBINED PARCEL LEGAL DESCRIPTION AS FIELD SURVEYED BY
SPALDING DeDECKER ASSOCIATES, INC. JUNE 2001**

PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 21, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 21, THENCE ALONG THE NORTH SECTION LINE (ALSO BEING THE CENTERLINE OF WATTLES ROAD, VARIABLE WIDTH), S88°58'33"E 1109.00 FEET; THENCE ALONG THE CENTERLINE OF FINCH ROAD (WIDTH VARIES), S01°09'56"W 60.00 FEET; THENCE S88°58'33"E 30.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF WATTLES ROAD (SOUTH 1/2 BEING 60 FEET WIDE), S88°58'33"E 545.35 FEET; THENCE S01°15'32"W (RECORDED AS S00°02'45"E) 699.00 FEET ALONG THE WESTERLY LINE (AND AN EXTENSION THEREOF) OF "WATTLES CREEK CONDOMINIUM" (OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 239); THENCE N88°58'33"W 287.21 FEET (RECORDED AS 287.00 FEET); THENCE N01°09'56"E 455.40 FEET; THENCE N88°58'33"W 257.00 FEET; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FINCH ROAD (EAST 1/2 BEING 30 FEET WIDE), N01°09'56"E 243.60 FEET TO THE POINT OF BEGINNING. CONTAINING 6.0552 ACRES SUBJECT TO THE RIGHTS OF THE PUBLIC IN WATTLES ROAD AND SUBJECT TO AND TOGETHER WITH ALL EASEMENTS, EXCEPTIONS, RESTRICTIONS, RESERVATIONS AND CONDITIONS CONTAINED IN PRIOR CONVEYANCES OF RECORD OR OTHERWISE.

LEGAL DESCRIPTION OF SANITARY SEWER EASEMENT (WIDTH VARIES)

AN EASMENT OF VARIABLE WIDTH WHICH IS PART OF THE PARCEL DESCRIBED ABOVE, THE CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF BEGINNING OF THE PARCEL DESCRIBED ABOVE, THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FINCH ROAD (EAST 1/2 BEING 30 FEET WIDE), S01°09'56"W 139.61 FEET TO A POINT OF BEGINNING OF 30 FOOT WIDE SANITARY SEWER EASEMENT; THENCE S88°45'33"E 177.79 FEET; THENCE N82°53'39"E 76.31 FEET; THENCE S87°12'11"E 143.56 FEET TO REFERENCE POINT "A"; THENCE N86°07'53"E 115.35 FEET TO THE POINT OF ENDING OF 30 FOOT WIDE EASEMENT.

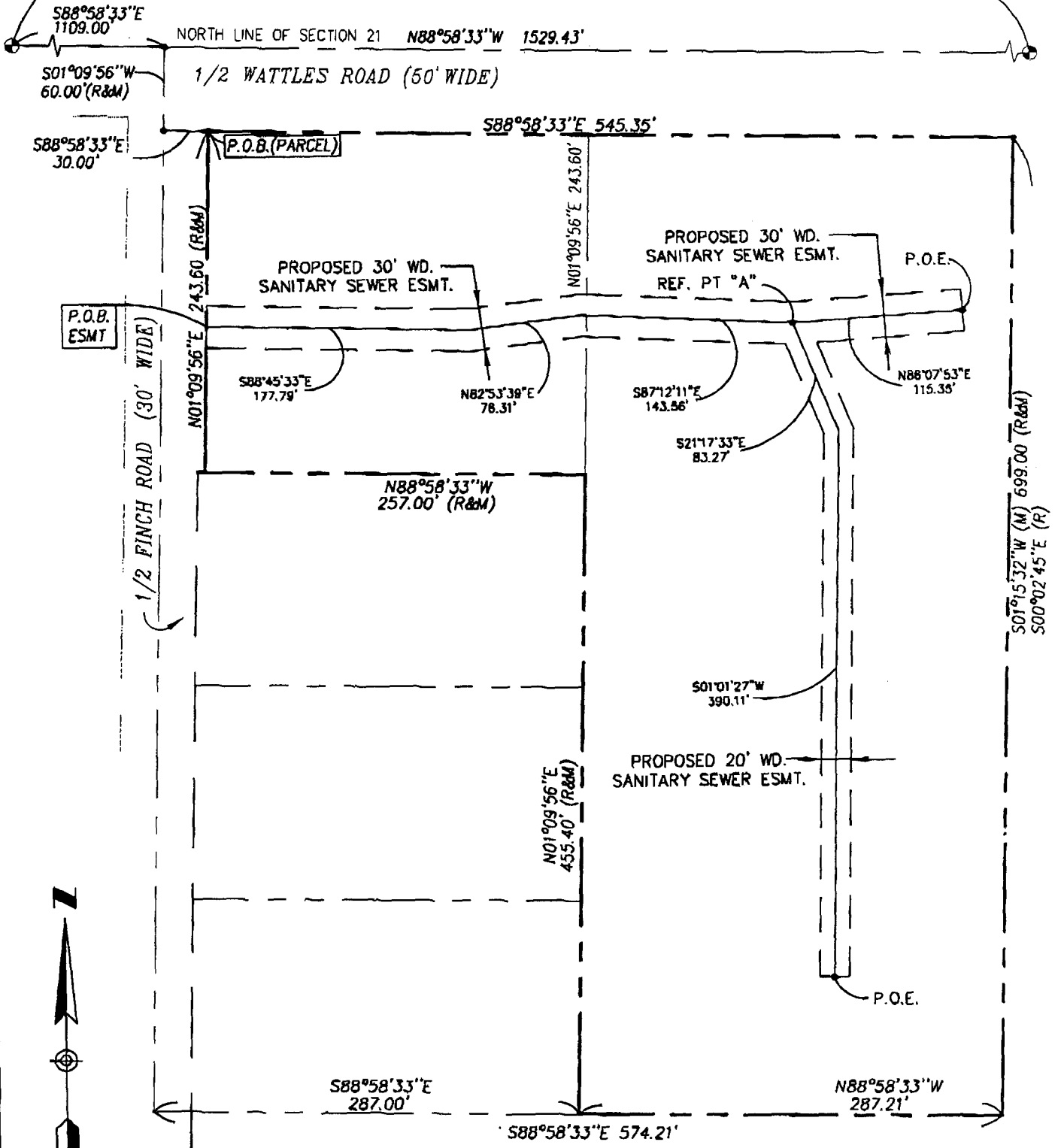
ALSO BEGINING AT REFERENCE POINT "A"; A 20 FOOT WIDE EASEMENT FOR SANITARY SEWER, THENCE S21°17'33"E 83.27 FEET; THENCE S01°01'27"W 390.11 FEET TO THE POINT OF ENDING OF 20 FOOT WIDE EASEMENT.

EASEMENT

EXHIBIT 'A'
PAGE 1 OF 2

NORTHWEST CORNER
SECTION 21, T.2N., R.11E.
L.C.R.C. #3974A L.17038, P.716
FOUND IRON W/REMON. CAP
IN MON. BOX

NORTH 1/4 CORNER
SECTION 21, T.2N., R.11E.
L.C.R.C. #3976A L.17038, P.720
FOUND IRON W/REMON. CAP
IN MON. BOX



SCALE 1" = 100'

BASIS OF BEARINGS:

THE NORTH LINE OF SECTION 21 AS RECORDED IN "SAPPHIRE ESTATES SUBDIVISION" (LIBER 221 OF PLATS, PAGES 5 THRU 8 INCL. OAKLAND COUNTY RECORDS)



November 28, 2001

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: JOHN SZERLAG, CITY MANAGER
GARY SHRIPKA, ASSISTANT CITY MANAGER
WILLIAM NEED, DIRECTOR OF PUBLIC WORKS
LORI GRIGG BLUHM, CITY ATTORNEY

RE: CONTRACT WITH OAKLAND COUNTY DRAIN COMMISSION

Pursuant to the terms of the Michigan Department of Environmental Quality's Voluntary Storm Water Permit, the City of Troy will be required to complete an illicit discharge detection and elimination plan. This requires the City to survey the watercourses and drains in the City in an attempt to find any illicit connections. The Oakland County Drain Commission's Storm Water Action Team (SWAT) has completed the illicit discharge detection and elimination plan for all other communities in the Rouge River Main 1 and 2 sub-watershed, including Beverly Hills, Bingham Farms, Birmingham, Bloomfield Hills, Bloomfield Township, Farmington, Farmington Hills, Franklin, Rochester Hills, Southfield, and West Bloomfield Township. In exchange for performing this specialized service, the Drain Commissioner's office is paid on a labor, material and equipment cost basis under the terms and conditions of the contract. This cost is estimated to be \$1,950 per mile of river, stream or drainage course. The contract is estimated to be \$32,000 or less.

It is our recommendation that the attached contract be executed. If you have any questions concerning the above, please let us know.

OAKLAND COUNTY DRAIN COMMISSIONER'S
CONTRACT FOR STORM WATER MANAGEMENT
SERVICES WITH THE CITY OF TROY

This CONTRACT (hereafter, this "Contract") is made and entered into between the **COUNTY OF OAKLAND**, a Michigan Constitutional and Municipal Corporation, whose address is 1200 North Telegraph Road, Michigan 48341 (hereafter, the "County"), by and through its Drain Commissioner and the **CITY OF TROY**, a Municipal Corporation whose address is 500 West Big Beaver, Troy, Michigan 48084-5285 (hereafter, the "Municipality"). In this Contract, either the County and/or the Municipality may also be referred to individually as a "Party" or jointly as "Parties."

WHEREAS, the Municipality has requested the Oakland County Drain Commissioner for assistance in performing the scope of services (as described and defined in this Contract) and has agreed in return to reimburse the County as provided for in this Contract; and,

WHEREAS, the Oakland County Drain Commissioner has determined, at the present time, that it has sufficient personnel as defined herein, possessing the requisite knowledge and expertise and is agreeable to assisting the Municipality by providing the requested services under the terms and conditions of this Contract; and,

WHEREAS, the Parties recognize and agree that absent an agreement such as this, the County has no obligation to provide these services for the Municipality.

NOW, THEREFORE, in consideration of these premises and the mutual promises, representations, and agreements set forth in this Contract, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the County and the Municipality mutually agree as follows:

ARTICLE I. DEFINED TERMS. In addition to the above defined terms (i.e., "Contract", "County", "Municipality", "Party" and "Parties"), the Parties agree that the following words and expressions, whether used in the singular or plural, possessive or non-possessive, and/or either within or without quotation marks, shall, be defined and interpreted as follows:

- 1.1 "Consultant" - shall be defined as an independent contractor engaged by the County to perform any services necessary to carry out the objectives under this agreement.

- 1.2 "County Agent" or "County Agents" shall be defined as any and all Oakland County elected officials, appointed officials, directors, board members, council members, commissioners, authorities, other boards, committees, commissions, employees, managers, departments, divisions, volunteers, agents, representatives, and/or any such persons' successors or predecessors, agents, employees, attorneys, or auditors (whether such persons act or acted in their personal representative or official capacities), and/or any persons acting by, through, under, or in concert with any of them, excluding the Municipality and/or any Municipality Agents, as defined herein.
- 1.3 "OCDC Personnel" as used in this Contract shall be defined as a specific subset of, and included as part of the larger group of County Agents as defined above, and shall be further defined as any and all County Agents specifically employed and assigned by the County to work in the Office of the Oakland County Drain Commissioner as shown in the current County budget and/or personnel records of the County.
- 1.4 "Municipality Agent" or "Municipality Agents", shall be defined to include any and all Municipality officers, elected officials, appointed officials, directors, board members, council members, authorities, boards, committees, commissions, employees, managers, departments, divisions, volunteers, agents, representatives, and/or any such persons' successors or predecessors, agents, employees, attorneys, or auditors (whether such persons act or acted in their personal, representative, or official capacities), and/or any and all persons acting by, through, under, or in concert with any of them, except that no County Agent shall be deemed a Municipality Agent and conversely, no Municipality Agent shall be deemed a County Agent.
- 1.5 "Claim(s)" shall be defined to include any and all alleged losses, claims, complaints, demands for relief or damages, suits, causes of action, proceedings, judgments, deficiencies, liability, penalties, litigation costs and expenses, including, but not limited to, any reimbursement for reasonable attorney fees, witness fees, court costs, investigation and/or litigation expenses, any amounts paid in settlement, and/or any other amounts, liabilities or Claim(s) of any kind whatsoever which are imposed on, incurred by, or asserted against either the County and/or any County Agent, as defined herein, or any Claim(s) for which the County and/or any County Agent may become legally and/or contractually obligated to pay or defend against, or any other liabilities of any kind whatsoever, whether direct, indirect or consequential, whether based upon any alleged violation of the constitution (federal or State), any statute, rule, regulation or the common law, whether in law or equity, tort, contract, or otherwise, and/or whether commenced or threatened and arising out of any alleged breach

of any duty by the County and/or any County Agent to any third-person, the Municipality, including any Municipality Agent under or in connection with this Contract or are based on or result in any way from the County's and/or any County Agent's participation in this Contract.

- 1.6 "State" shall be defined as the "State of Michigan," a sovereign governmental entity of the United States, and shall also include within its definition any and all departments or agencies of State government including specifically, but not limited to, the Michigan Department of Environmental Quality ("MDEQ").

ARTICLE II. OAKLAND COUNTY DRAIN COMMISSIONER'S STORM WATER MANAGEMENT SERVICES. The Parties agree that the full and complete scope of storm water management services shall be as described in attached Exhibit "A" and limited in the following subsections (hereinafter defined and referred to as either "OCDC storm water management services" or services).

- 2.1 PURPOSE OF "SERVICES" The Parties agree that the purpose of any and all "OCDC storm water management services" or "Services" to be performed under this Contract shall be to assist (e.g., to help, aid, lend support, and/or participate in as an auxiliary, to contribute effort toward completion of a goal, etc.) the Municipality in the performance of Municipality's official functions, obligations, and Municipality's legal responsibilities relating to the Storm Water General Permit and fulfillment of the state and federal environmental laws and regulations.
- 2.2 MANNER COUNTY TO PROVIDE SERVICES The Parties agree that any and all "OCDC storm water management services" or "Services" to be provided by the County for the Municipality under this Contract shall be performed by the County's "OCDC Personnel" or consultants as defined herein.
- 2.2.1 OCDC Personnel or consultants shall be employed and assigned by the County in such numbers and based on such appropriate qualifications and other factors as decided solely by the County.
- 2.2.2 The Parties agree that the County shall be solely and exclusively responsible for furnishing all OCDC Personnel and consultants with all job instructions, job descriptions and job specifications and shall in all circumstances control, supervise, train or direct all OCDC Personnel in the performance of any and all Services under this Contract.

- 2.2.3 Except as otherwise expressly provided for herein, the Parties agree and warrant that, at all times and for all purposes relevant to this Contract, the County shall remain the sole and exclusive employer of all County Agents and OCDC Personnel.
- 2.2.4 This Contract is neither intended, nor shall it be interpreted, to create, change, grant, modify, supplement, supersede, alter, or otherwise affect or control, in any manner, form, or at any time, any right, privilege, benefit, or any other term or condition of employment, of any kind or nature whatsoever, in, upon, or for any County Agent or OCDC Personnel with the County, any applicable County employment and/or union contract, and/or any County rule(s), regulation(s), hours of work, shift assignment, order(s), policy(ies), procedure(s), directive(s), ethical guideline(s), etc., which shall, solely and exclusively, govern and control the employment relationship between the County and any County Agent or OCDC Personnel and/or the conduct and actions of any County Agent or any OCDC Personnel.
- 2.2.5 The Municipality agrees that except as expressly provided for under the terms of this Contract and/or laws of this State, no County Agent or OCDC Personnel, while such person is currently and/or actively employed or otherwise remains on the payroll of the County as a County Agent shall be employed, utilized, or perform any other services, of any kind, directly or indirectly, in any manner or capacity, or otherwise be available to perform any other work or assignments by or for the Municipality during the term of this Contract. This section shall not prohibit the Municipality from employing any person who was a former County Agent but is no longer employed in that capacity by the County.
- 2.2.6 Except as otherwise expressly provided by the Contract and/or applicable State law, the Parties agree and warrant that neither the County, nor any County Agent, nor any OCDC Personnel, by virtue of this Contract or otherwise, shall be deemed, considered or claimed to be an employee of the Municipality and/or a Municipality Agent.
- 2.2.7 The Municipality shall not otherwise provide, furnish or assign any OCDC Personnel with any job instructions, job descriptions, job specifications, or job duties, or in any manner attempt to control, supervise, train, or direct any OCDC Personnel in the performance of any OCDC Storm Water Management Service duty or obligation under the terms of this Contract.

2.3 LIMITS AND EXCLUSIONS ON COUNTY "SERVICES". Except as otherwise expressly provided for within this Contract, neither the County nor any County Agents or consultants shall be responsible for assisting or providing any other "Services " or assistance to the Municipality or assume any additional responsibility for assisting the Municipality in any other way or manner with any Municipality obligations under any and all State or Federal laws or regulations, including, but not limited to, providing any attorney or legal representation to the Municipality or any Municipality Agent at any proceeding before an adjudicative body or court.

2.3.1 The Municipality shall, at all times and under all circumstances, remain solely liable for any and all costs, legal obligations, and/or civil liabilities associated with or in any way related to any Municipality's obligations under the General Storm Water Permit or any other Municipality legal obligation under any applicable State or federal laws and/or regulations. The Municipality shall employ and retain its own Municipality legal representation, as necessary, to defend any such claim or challenge before an adjudicative body or court.

ARTICLE III. TERM OF CONTRACT. The Parties agree that the term of this Contract shall begin on the effective date of this Contract. This Contract, unless extended by mutual written agreement, shall expire on March 1, 2003. Any and all OCDC Storm Water Services otherwise provided to the Municipality prior to the effective date of this Contract, shall be subject to the terms and conditions in this Contract.

ARTICLE IV. BUDGET AND PAYMENT SCHEDULE. The total budget for services under this Contract shall not exceed **\$32,000.00**.

4.1 In consideration of the premises set forth in this Contract, the Municipality agrees to pay to the County the fees for storm water management services as outlined in the scope of services attached as Exhibit "A", rendered during the life of this Contract. Payment to be due and payable thirty (30) days of receipt of invoice from the County. If during the term of this Contract, there are additional services requested of the County, the Parties shall negotiate additional fees to be paid by the Municipality.

4.2 All time incurred beyond the regular County working hours to be billed at the applicable OCDC Personnel's overtime rate and charged to the Municipality over and above any other fees described in this Contract.

4.3 Should the Municipality fail for any reason to pay to the County at the times and in the amounts specified and required herein, the Municipality hereby expressly authorizes the State Treasurer, or such other State

official charged with the disbursement of State funds returnable to the Municipality pursuant to Michigan law, to withhold sufficient funds to make up or offset any such default or deficiency by the Municipality. Further, except as expressly prohibited by law, the Municipality agrees and consents that upon notice from the County Treasurer, the State Treasurer, or such other State official in possession of such funds, that are but for this provision otherwise payable to the Municipality, is hereby authorized to pay any such amounts in the State of Michigan's possession directly to the County. The Municipality agrees that it shall hold the State harmless in and for any such amounts paid to the County by the State, and any such payments by the State are hereby agreed by the Municipality to be made without recourse against the State. The Municipality further agrees that if there is any amount due and owing to the County under this Contract, which is still unpaid at the time the County distributes funds to the Municipality from the Delinquent Tax Revolving Fund (DTRF), or any other source of funds in the possession of the County Treasurer otherwise payable by the County to the Municipality, the County Treasurer shall be entitled to reduce, set-off and permanently retain any amount otherwise due to the Municipality from Delinquent Tax Revolving Fund (DTRF) or any other source of funds by any such amount then due and owing the County pursuant to this Contract. The above provisions shall not operate to limit in any way the County's right to pursue any other legal remedies against the Municipality for the reimbursement of any monetary default herein by the Municipality including, but not limited to the County Board of Commissioners order to the Municipality and its officers to levy upon its next tax roll an amount sufficient to reimburse the County any amount due and owing herein, on or before the date when its taxes become delinquent; and the Municipality and its tax levying and collecting officials shall levy and collect those taxes and reimburse the County.

- 4.4 Municipality understands and agrees that the County has no funds to pay for services under this agreement. All costs associated with these services under this agreement will be the responsibility of the Municipality.
- 4.5 Municipality shall be responsible and pay for any cost for services authorized by the Municipality, which exceed the total budget described herein.

ARTICLE V. NO TRANSFER OF MUNICIPALITY LEGAL OBLIGATIONS TO COUNTY. Except as expressly provided for in this Contract, the Municipality agrees that this Contract does not, and is not intended to, transfer, delegate, or assign to the County, and/or any County Agent or OCDC Personnel any civil or legal responsibility, duty, obligation, duty of care, cost, legal obligation, or liability associated with any governmental function delegated

and/or entrusted to the Municipality under any applicable State or Federal laws or regulations.

- 5.1 The Municipality shall, at all times and under all circumstances, remain solely liable for any and all costs, legal obligations, and/or civil liabilities associated with or in any way related to the fulfillment of the requirements of the General Storm Water Permit or any other Municipality legal obligation under any applicable State or federal laws and/or regulations. The Municipality agrees that under no circumstances the County shall be responsible for any and all costs, obligations, and/or civil liabilities associated with its Municipality function or any responsibility under any State or federal laws and/or regulations.
- 5.2 The Municipality shall not incur or create any debts, liens, liabilities or obligations for the County and shall take all necessary steps to ensure that any debts, liens, liabilities or obligations that the Municipality may incur shall not become a debt, liability, obligation or Claim(s) against the County.
- 5.3 The Municipality and Municipal Agents shall be and remain responsible for compliance with all federal, State, and local laws, ordinances, regulations, and requirements in any manner affecting any work or performance of this Contract or with any Municipality duty or obligation under any applicable State or federal laws and/or regulations.

ARTICLE VI. NO DELEGATION OR DIMINUTION OF ANY GOVERNMENTAL AUTHORITY. The Parties reserve to themselves any rights and obligations related to the provision of any and all of each Party's respective governmental services, authority, responsibilities, and obligations. Except as expressly provided otherwise herein, this Contract does not, and is not intended to, create, diminish, delegate, transfer, assign, divest, impair, or contravene any constitutional, statutory, and/or other legal right, privilege, power, civil or legal responsibility, obligation, duty of care, liability, capacity, immunity, authority or character of office of either the Party to any other person or Party.

- 6.1 The Parties further agree, notwithstanding any other term or condition in this Contract, that no provision in this Contract is intended, nor shall it be construed, as a waiver of any governmental immunity, as provided by statute or applicable court decisions, by either Party, either for that Party and/or any of that Party's County or Municipal Agents.

ARTICLE VII. LIABILITY. The Municipality further agrees that the County shall not be liable to the Municipality for any and all Claim(s), except as otherwise expressly provided for in this Contract.

- 7.1 The Parties agree that this Contract does not and is not intended to create or include any County warranty, promise, covenant or guaranty, either express or implied, of any kind or nature whatsoever in favor of the other Municipality, and/or any Municipality Agents, or any other person or entity, or that the County's efforts in the performance of any obligation under this Contract will result in satisfying the Municipality's obligations and requirements under the General Storm Water Permit, or obligations under State and Federal law and regulations.
- 7.2 In the event of any alleged breach, wrongful termination, and/or any default of any term or condition of this Contract by either the County or any County Agent, the County and/or any County Agent shall not be liable to the Municipality for any indirect, incidental, special or consequential damages, including, but not limited to any replacement costs for County Services, any loss of income or revenue, and/or any failure by the Municipality to meet any Municipality obligation under any applicable State and Federal law and regulations, or any other economic benefit or harm that the Municipality may have realized, but for any alleged breach, wrongful termination, default and/or cancellation of this Contract, or damages beyond or in excess of the amount(s) of any amount paid, received or retained by the County at the time of the alleged breach or default in connection with or under the terms of this Contract, whether such alleged breach or default is alleged in an action in contract or tort and/or whether or not the Municipality has been advised of the possibility of such damages. This provision and this Contract is intended by the Parties to allocate the risks between the Parties, and the Parties agree that the allocation of each Party's efforts, costs, and obligations under this Contract reflect this allocation of each Party's risk and the limitations of liability as specified herein.
- 7.3 Notwithstanding any other provision in this Contract, with regard to any and all alleged losses, claims, complaints, demands for relief or damages, suits, causes of action, proceedings, judgments, deficiencies, liability, penalties, litigation costs and expenses, including, but not limited to, any reimbursement for reasonable attorney fees, witness fees, court costs, investigation and/or litigation expenses, any amounts paid in settlement, and/or any other amounts, liabilities of any kind whatsoever which are imposed on, incurred by, or asserted against the Municipality or any Municipality Agent or by any third person, arising out of any activities or Services to be carried out by any County Agent in the performance of this Contract, the Municipality hereby agrees that it shall have no rights pursuant to or under this Contract against the County and/or any County Agents to or for any indemnification (i.e., contractually, legally, equitably, or by implication) contribution, subrogation, or other right to be reimbursed by the County and/or any of County Agents based upon any and all legal theories or alleged rights of any kind, whether known or unknown, for any

and all alleged losses, claims, complaints, demands for relief or damages, judgments, deficiencies, liability, penalties, litigation costs and expenses of any kind whatsoever which are imposed on, incurred by, or asserted against either the Municipality and which are alleged to have arisen under or are in any way based or predicated upon this Contract.

ARTICLE VIII. INDEMNIFICATION. The Municipality shall not be obligated to pay any portion of any court ordered judgment or award to a third party for which a court has determined that the County and/or any County Agent was solely negligent or at fault. However, the Municipality agrees to, indemnify and hold the County and/or any County Agent harmless from and against any and all Claim(s) which are imposed upon, incurred by, or asserted against the County and/or any County Agent by any Municipality Agent under any circumstances or by any person which are based upon, result from, or arise from, or are in any way related to any alleged error, mistake, negligence or intentional act(s) or omission(s) by the Municipality and/or any Municipality Agent, including, but not limited to: (a) any alleged breach of legal duty to any person by the Municipality and/or any Municipality Agent; (b) any alleged failure by the Municipality or any Municipality Agent to comply with any Municipality duty or obligation in this Contract; and/or (c) any other Claim(s) based in any way upon any Municipality or Municipality Agent's services, buildings, equipment, or any other event, occurrence, duty, or obligation related or attendant thereto.

ARTICLE IX. MUNICIPALITY AGENTS AND COOPERATION WITH THE COUNTY. The Municipality agrees that it shall be solely and exclusively responsible, during the term of this Contract, for guaranteeing that all Municipality Agents fully cooperate with OCDC Personnel in the performance of all Services under this Contract.

- 9.1 Municipality shall obtain and secure the right of access to all public and private property necessary for OCDC personnel or consultants to perform the services under this Contract. Municipality shall be responsible for all costs or claims associated with securing rights of access to public or private property.
- 9.2 To the extent necessary in satisfying the conditions of this contract, the Municipality shall employ and assign qualified Municipality Agents, as necessary and appropriate to provide for any and all of Municipality's legal obligations under the General Storm Water Permit and/or applicable State and Federal laws and regulations. Municipality Agents shall be employed and assigned based on appropriate qualifications and other factors as decided by the Municipality. The Municipality agrees that it shall be solely responsible for furnishing all Municipality Agents with all job instructions, job descriptions and job specifications and shall solely control, direct, and supervise all Municipality Agents and shall be solely responsible for the

means and manner in which Municipality's duties or obligations under General Storm Water Permit and/or applicable State and Federal laws and regulations are satisfied.

- 9.3 The Municipality agrees that it shall be solely and completely liable for any and all Municipality Agents' past, present, or future wages, compensation, overtime wages, expenses, fringe benefits, pension or retirement benefits, travel expenses, mileage allowances, training expenses, transportation costs, and/or other allowances or reimbursements of any kind, including, but not limited to, workers' disability compensation benefits, unemployment compensation, Social Security Act protection(s) and benefits, any employment taxes, and/or any other statutory or contractual right or benefit based on or in any way related to any Municipality Agent's employment status or any alleged violation of any Municipality Agent's statutory, contractual (e.g., union, employment, or labor contract), constitutional, common law employment right, and/or civil rights by the Municipality. The Municipality agrees to indemnify and hold harmless the County from and against any and all Claim(s) which are imposed upon, incurred by, or asserted against the County or any County Agent by any Municipality Agent and/or which are based upon, result from, or arise from, or are in any way related to any Municipality Agent's wages, compensation, benefits, or other employment-related or based rights, including, but not limited to, those described in this section.
- 9.4 The Municipality agrees that no Municipality Agent shall, by virtue of this Contract or otherwise, be considered or claimed to be an employee of the County and/or a County Agent. This Contract does not grant or confer, and shall not be interpreted to grant or confer, upon any Municipality Agents or any other individual any status, privilege, right, or benefit of County employment or that of a County Agent.

ARTICLE X. INDEPENDENT CONTRACTOR. The Parties agree that at all times and for all purposes under the terms of this Contract, the County's and/or any and all County Agents' legal status and relationship to the Municipality shall be that of an Independent Contractor. Except as expressly provided herein, each Party will be solely responsible for the acts of its own employees, Agents, and servants during the term of this Contract. No liability, right or benefits arising out of an employer/employee relationship, either express or implied, shall arise or accrue to either Party as a result of this Contract.

ARTICLE XI. COUNTY PRIORITIZATION OF COUNTY RESOURCES. The Municipality acknowledges and agrees that this Contract does not, and is not intended to, create either any absolute right in favor of the Municipality, or any correspondent absolute duty or obligation upon the County, to guarantee that any specific number(s) or classification of County Agents will be present on any given day to provide County services to the Municipality.

ARTICLE XII. CANCELLATION OR TERMINATION OF THIS CONTRACT. Except as follows, and notwithstanding any other term or provision in any other section of this Contract, either Party, upon a minimum of ninety (90) calendar days written notice to the other Party, may cancel and/or completely terminate this Contract for any reason, including convenience, without incurring any penalty, expense, or liability to the other Party. The effective date for any such termination is to be clearly stated in the notice.

12.1 At 5:00 p.m. on the effective date of the cancellation of this Contract all Municipality and/or County obligations under this Contract, except those rights and obligations expressly surviving cancellation as provided for in this Contract, shall end.

12.2 The Municipality agrees that any and all Municipality obligations, including, but not limited to, any and all indemnification and hold harmless promises, waivers of liability, record-keeping requirements, any Municipality payment obligations to the County, and/or any other related obligations provided for in this Contract with regard to any acts, occurrences, events, transactions, or Claim(s) either occurring or having their basis in any events or transactions that occurred before the cancellation or completion of this Contract, shall survive the cancellation or completion of this Contract.

ARTICLE XIII. EFFECTIVE DATE, CONTRACT APPROVAL, AND AMENDMENT. The Parties agree that this Contract, and/or any subsequent amendments thereto, shall not become effective prior to the approval by concurrent resolutions of both the Oakland County Board of Commissioners and the Council for the City of Troy. The approval and terms of this Contract, and/or any possible subsequent amendments thereto, shall be entered in the official minutes and proceedings of both the Oakland County Board of Commissioners and the Council for the City of Troy and shall also be filed with the office of the Clerk of the County and the Clerk for the City of Troy.

ARTICLE XIV. COMPLIANCE WITH "URBAN COOPERATION ACT OF 1967". Pursuant to section 10(4) of the Urban Cooperation Act of 1967, as amended, being MCL 124.510(4), the Parties agree that this Contract, and/or any possible subsequent amendments, shall be filed with the Michigan Secretary of State and this Contract, and/or any possible subsequent amendments, shall not become effective prior to this required filing with the Secretary of State.

ARTICLE XV. GOVERNING LAW. This Contract is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. The language of all parts of this Contract is intended to and, in all cases, shall be construed as a whole according to its fair meaning, and not construed strictly for or against any party.

As used in this Contract, the singular or plural number, possessive or non-possessive shall be deemed to include the other whenever the context so suggests or requires.

ARTICLE XVI. CAPTIONS. The section headings or titles and/or all section numbers contained in this Contract are intended for the convenience of the reader and not intended to have any substantive meaning and are not to be interpreted as part of this Contract.

ARTICLE XVII. NOTICES. Except as otherwise expressly provided for herein, any and all correspondence, invoices, and/or any other written notices required, permitted or provided for under this Contract to be delivered to either Party shall be sent to that Party by first class mail. All such written notices, including any notice canceling or terminating this Contract as provided for herein, shall be sent to the other Party's signatory to this Contract, or that signatory's successor in office, at the addresses shown in this Contract. All correspondence or written notices shall be considered delivered to a Party as of the date that such notice is deposited with sufficient postage with the U.S. Postal Service.

ARTICLE XVIII. ENTIRE CONTRACT. This Contract sets forth the entire agreement between the County and the Municipality and fully supersedes any and all prior agreements or understandings between them in any way related to the subject matter hereof. It is further understood and agreed that the terms and conditions herein are contractual and are not a mere recital and that there are no other agreements, understandings, contracts, or representations between the County and the Municipality in any way related to the subject matter hereof, except as expressly stated herein. This Contract shall not be changed or supplemented orally and may be amended only as otherwise provided herein.

FOR AND IN CONSIDERATION of the mutual assurances, promises, acknowledgments, warrants, representations, and agreements set forth in this Contract, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the undersigned hereby execute this Contract on behalf of the Parties, and by doing so legally obligate and bind the Parties to the terms and conditions of this Contract.

IN WITNESS WHEREOF, Matt Pryor, Mayor of the City of Troy, and Tonni Bartholomew, City of Troy City Clerk, hereby acknowledges that they have been authorized by a resolution of the City Council for the City of Troy, a certified copy of which is attached, to execute this Contract on behalf of the Municipality and hereby accepts and binds the Municipality to the terms and conditions of this Contract.

EXECUTED: _____ DATE: _____
Matt Pryor, Mayor

Tonni Bartholomew, City Clerk

WITNESSED: _____ DATE: _____
_____,

IN WITNESS WHEREOF, John P. McCulloch, Oakland County Drain Commissioner, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners, a certified copy of which is attached, to execute this Contract on behalf of the Oakland County, and hereby accepts and binds the Oakland County to the terms and conditions of this Contract.

EXECUTED: _____ DATE: _____
John P. McCulloch,
Oakland County Drain Commissioner

WITNESSED: _____ DATE: _____
G. William Caddell,
County of Oakland Clerk/Register of Deeds



November 29, 2001

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: LORI GRIGG BLUHM, CITY ATTORNEY

RE: SMITH v. CITY OF TROY, AL'S JEWELRY & LOAN

The City of Troy has recently been named in a lawsuit that was filed against Al's Jewelry and Loan several months ago. According to the limited information received to date, the Adray Camera store in Troy had a burglary on 12/20/99. Based on partial fingerprints, the Troy Police identified a suspect for the burglary, a Harold Smith of Detroit and California. Two days after the burglary, Harold Smith was stopped for speeding in Oak Park. In his car were three of the stolen items. It was later learned from Al's Jewelry and Loan records that Harold Smith also sold four of the stolen items to the pawnbroker on that same day. It was one of these items that were purchased on January 15, 2000 by the Plaintiff, Roosevelt Smith (unknown if any relation to Harold Smith). Roosevelt Smith allegedly purchased the camcorder for \$300, even though the value of the value of the camcorder was actually \$1,500.

The Adray Camera store in Dearborn recovered the stolen merchandise from Roosevelt Smith when he attempted to purchase accessories for the camcorder on January 28, 2000. Roosevelt Smith was charged with the crime of receiving and concealing (R & C) stolen property, and was arrested by Dearborn on that charge and also an outstanding felony warrant. After being acquitted of the R & C charge, he filed this lawsuit against Al's Jewelry and Loan, for selling him a stolen camcorder.

The Troy police report for the burglary enumerated the items that were stolen, and listed the serial numbers of each item, as provided by Adray. The police report lists the proper serial numbers of the stolen items. However, according to the complaint, the item is incorrectly identified as a "Camera, digital video, Canon ZR", instead of identifying the item as a "Canon Cam Corder." The complaint alleges that the Troy police were somehow negligent in entering this information into the LEIN computer system.

The City Attorney's Office will handle defense of this matter, absent objections from City Council. If you have any questions concerning the above, please let me know.

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	Amended SUMMONS AND COMPLAINT TROY LAW DEPARTMENT	CASE NO. 00-115730
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Court address

Court telephone no.

Plaintiff name(s), address(es), and telephone no(s).
 Roosevelt Smithy

Plaintiff attorney, bar no., address, and telephone no.
 Daniel Reid (P30965)
 721 W. Milwaukee
 Detroit MI 48202
 (313) 774-2200

Nov 16 8 54 AM '01

Defendant name(s), address(es), and telephone no(s).
 Troy Police Department
 500 W. Big Beaver
 Troy, Michigan
 48064

City Mgr
 Law
 Risk Mgmt
 Police
 MMRMA

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 11-13-01	This summons expires 2-13-02	Court clerk [Signature]
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*This summons is invalid unless served on or before its expiration date.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

- ☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
- The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases

- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/
- ☒ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in 36th District C Court.
- The action ☒ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no. 00-115730	Judge Bradfield
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VENUE

Plaintiff(s) residence (include city, township, or village) Detroit	Defendant(s) residence (include city, township, or village) Troy
Place where action arose or business conducted Detroit	

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

11/13/01
 Date
 Signature of attorney/plaintiff
 Daniel J. Reid

If you require special accommodations to use the court because of disabilities, contact the court immediately to make arrangements.

**STATE OF MICHIGAN
IN THE 36TH DISTRICT COURT**

ROOSEVELT SMITH
Plaintiff,

Case No: 00-115730

v.

TROY POLICE DEPARTMENT and
AL'S JEWELRY AND LOAN , a
Michigan Corporation,
Defendant.

DANIEL J. REID (P30965)
LAW OFFICES OF REID & REID, P.C.
Attorney for Plaintiff
821 Madison
Detroit, Michigan 48202
(313) 874-2200

SHELDON L. KAY
Attorney for Defendant
30445 Northwestern Hwy. Suite 320
Farmington Hills, Michigan 48334
(248) 539-1111

FIRST AMENDED COMPLAINT AND JURY DEMAND

NOW COMES, Roosevelt Smith, by and through his attorneys, THE LAW
OFFICES OF REID & REID, P.C., and files this first amended complaint against Al's
Jewelry & Loan, a Michigan Corporation and Troy Police Department.

JURISDICTION

1. That the amount in controversy does not exceed the Twenty Five Thousand Dollar
(\$25,000) jurisdictional limit of District Court.

2. Plaintiff, Roosevelt Smith, is a resident of the City of Detroit, County of Wayne, and State of Michigan.
3. Defendant is a Licensed and Bonded Pawnbroker doing business in the City of Detroit, County of Wayne, and State of Michigan.
4. That at all relevant times, Defendant, Troy Police Department, was a police agency engaged in the performance of police function originating within the City of Troy, County of Oakland, State of Michigan, and is responsible for the negligent and/or grossly negligent acts and/or omissions for its officers and agents, by the way of the Doctrine of Respondent Superior.

COMMON ALLEGATIONS

5. That on January 15, 2000, the Plaintiff purchased a brand new Cannon ZR Digital Camcorder from the Defendant Al's Jewelry and Loan.
6. That the Plaintiff paid the Defendant a sum of Three Hundred Dollars (\$300) cash for said Camcorder.
7. That Defendant, Al's Jewelry gave Plaintiff a receipt for the purchase of the camcorder.
8. That Defendant, Troy Police Department, recorded Plaintiff's camcorder as being stolen when in fact the stolen item was a digital camera.
9. That subsequent to the Plaintiff's purchase of said Camcorder, Plaintiff was arrested on January 28th, 2001, while attempting to purchase accessories for said camcorder at a store in Dearborn, Michigan.
10. That the Dearborn Police Department confiscated the camcorder from the Plaintiff on that date.

11. That subsequent to the Plaintiff's arrest he was charged with the felony of Receiving and Concealing Stolen Property.
12. That the Wayne County Prosecutor's Office prosecuted the Plaintiff for the stolen camcorder.
13. That the Plaintiff was forced to hire an attorney to defend himself against prosecution by Wayne County.

COUNT 1- NEGLIGENCE

14. Plaintiff incorporates paragraphs 1-13 of this complaint.
15. That Defendant Al's Jewelry (Al's) has a duty as a Licensed and Bonded Pawnbroker not to sell stolen merchandise to the public.
16. That the nature of Defendant's business, as a Pawnbroker, gives rise to a higher standard requiring that Defendant check merchandise thoroughly before selling merchandise to the public.
17. That Defendant, Al's, breached said duty by selling to the Plaintiff a camcorder that Defendant knew, or should have known was stolen.
18. That Defendant failed to take the necessary and required precautions in checking the merchandise to make sure that it was not stolen.
19. That Defendant, Troy Police Department, initially did the investigation concerning the theft of items from Adray's Appliance.
20. The Officer who did the investigation was negligent when he entered the wrong information upon the Law Enforcement Information Network.

21. Defendant, Troy Police Department, entered upon the Lien as stolen from Adray Appliance a “**Camera**” with the model being a “**Digital Video**” with the make “**Canon Zr**” and not a **Canon Cam Corder**.
22. However, Defendant, Al’s, should have checked the serial numbers to see if there was a match in the stolen property because the numbers are identical. If they would have checked the serial numbers they would have seen the match in the serial numbers.
23. That the Defendants’ failure to use due diligence in checking the merchandise caused the Plaintiff to be charged with a felony offense and prosecuted by the Wayne County Prosecutor’s office.
24. That Plaintiff has suffered significant injuries as a result of Defendant’s actions, including but not limited to:
- a. Lost wages,
 - b. Economic loss,
 - c. Emotional distress,
 - d. Attorney fees,
 - e. Loss of reputation.

COUNT II- MISREPRESENTATION

25. Plaintiff incorporates paragraphs 1-24 of this complaint.
26. That the Defendant as a Licensed and Bonded Pawnbroker represented to the Plaintiff that the Camcorder was not stolen.
27. That the Defendant had knowledge or should have had knowledge using due diligence that the camcorder was stolen.

28. That the Defendant sold the Plaintiff a stolen camcorder in spite of the fact that Defendant knew or should have known that said camcorder was reported stolen.
29. That the Plaintiff was arrested and prosecuted as a result of being in possession of the stolen camcorder sold to Plaintiff by the Defendant.
30. That Plaintiff has suffered significant injuries as a result of Defendant's actions, including but not limited to:
- a. Lost wages,
 - b. Economic loss,
 - c. Emotional distress,
 - d. Attorney fees,
 - e. Loss of Reputation.

COUNT III- INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

31. Plaintiff incorporates paragraphs 1-30 of this complaint.
32. That the Defendant as a Licensed and Bonded Pawnbroker represented to the Plaintiff that the camcorder was not stolen or reported stolen.
33. That the Defendant had knowledge or should have had knowledge using due diligence that the camcorder was stolen.
34. That Defendant knew or should have known that selling stolen merchandise to someone would cause emotional distress.
35. That the Defendant sold the Plaintiff a reported stolen camcorder in spite of the fact that Defendant knew or should have known that said camcorder was reported stolen.
36. That the Plaintiff was arrested and prosecuted as a result of being in possession of the stolen camcorder sold to Plaintiff by the Defendant.

37. That the Plaintiff has suffered severe emotional distress as a result of facing felony prosecution concerning the camcorder.

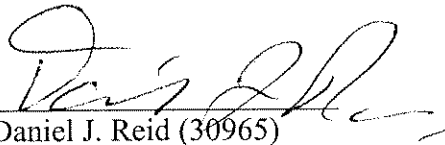
38. That Plaintiff has suffered significant injuries as a result of Defendant's actions, including but not limited to:

- a. Lost wages,
- b. Economic loss,
- c. Emotional distress,
- d. Attorney fees,
- e. Loss of Reputation.

WHEREFORE, Plaintiff requests that the court enter judgment:

- a. Awarding Plaintiff compensatory and reasonable damages;
- b. Awarding Plaintiff the reasonable costs and reasonable attorney fees in this action; and
- c. Granting Plaintiff such other and further relief as may be just and appropriate.

Respectfully Submitted,

By: 
Daniel J. Reid (30965)
Attorney for Plaintiff
821 Milwaukee
Detroit, Michigan 48202
(313) 874-2200

Dated: November 7, 2001.

BOARDS AND COMMITTEES VACANCIES

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold red lines indicate the number of appointments required:

Advisory Committee for Persons with Disabilities

Appointed by Council (9) - 3 years

Term expires 11-01-2003 (Alternate)

Term expires 11-01-2004

Term expires 11-01-2004

PHONE	NAME	ADDRESS	TERM EXPIRES
689-9098	Mary Ann Butler (Alternate)	1060 Glaser, 98	Nov. 1, 2003
526-3088B	Philip D'Anna	5149 Westmoreland, 98	Nov. 1, 2001
689-1457	Angela Done	2304 Academy, 83	Nov. 1, 2002
740-8983	Nancy Johnson	1461 Lamb, 98	Nov. 1, 2003
813-9575	Leonard Bertin	5353 Rochester, 98	Nov. 1, 2002
258-2500B			
641-7764	Dick Kuschinsky	5968 Whitfield, 98	Nov. 1, 2004
313-496-2686B			
680-1233	Theodora House	301 Belhaven, 98	Nov. 1, 2003
641-3860	Sharon Lu (Student)	1749 Freemont, 98	July 01, 2002
528-3133	Nancy Sura, Ch	1436 Welling, 98	Nov. 1, 2001
696-2140B			
952-0484	Jerry Ong (Student)	1903 Fleetwood, 98	July 01, 2002
641-9538	John J. Rogers	5925 Whitfield, 98	Nov. 1, 2003
362-0671	Cynthia Buchanan (Alternate)	840 Huntsford, 84	Nov. 1, 2003
680-0325	Kul B. Gauri	5305 Greendale, 98	Nov. 1, 2002

Mr. Gauri was appointed as a regular member, therefore, an alternate position has become open.

Board of Canvassers

Appointed by Council (4) - 4 years

Unexpired term 12-31-2003

Term expires 12-31-2005

Term expires 12-31-2005

PHONE	NAME	ADDRESS	TERM EXPIRES
680-8870	Gary Kohut (D)	2414 John R Apt A203, 83	Dec. 31, 2001
879-9776	Mary Shiner(R)	5456 Patterson, 98	Dec. 31, 2001
879-0950	Rolland Ersin (D)	6301 Atkins, 98	Dec. 31, 2003
644-1038	Carole Webb (R)	2434 Hampton, 84	Dec. 31, 2003

Mr. Ersin has resigned

Mary Shiner wishes to be reappointed

Downtown Development Authority

Mayor, Council Approval (12)- 4 years

Term expires 9-30-2005

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
952-1952H 391-8185B 248-391-4895F	Michael W. Culpepper	1236 Autumn Dr.,98 mculpepp@auburnhills.org	Sept. 30, 2004
649-2924	Stuart Frankel	3221 W. Big Beaver, Ste. 106, 84	Sept. 30, 2003
879-2450	Philip Goy	380 Tara, 98	Sept. 30, 2001
879-6439H 526-0576B	William Kennis	249 W. Hurst, 98 100 W Big Beaver, Ste.200, 84	Sept. 30, 2002
642-1875H 680-7180W 248-680-7181F	Alan M. Kiriluk , Ch	Kirco Development Corp 101 W. Big Beaver, Ste.200, 84	Sept. 30, 2004
827-4600B	G. Thomas York	Forbes/Cohen Properties 2800 W Big Beaver, 84	Sept. 30, 2004
524-3244W 641-7999H 248-689-7210F	Daniel MacLeish	Macleish Building, Inc. 650 E. Big Beaver, Ste. F, 84	Sept. 30, 2005
258-5734H 689-8081B 248-689-8651F	Clarke B. Maxson	1091 Oxford, Birmingham, 09 Midwest Guaranty Bank 201 W. Big Beaver Ste. 125, 84	Sept. 30, 2003
260-0061W 248-260-0077F	Nick Najjar	3150 Livernois Ste 175, 83	Sept. 30, 2005
879-8695	Carol A. Price	6136 Sandshores, 98	Sept. 30, 2003
879-6033	Ernest C. Reschke	6157 Walker, 98	Sept. 30, 2002
879-2646 H 689-6555 B	Douglas J. Schroeder	2783 Homewood Dr., 98	Sept. 30, 2002
879-3896H 248-879-3896F 248-709-0383C	Matt Pryor	6892 Coolidge, 98	Sept. 30, 2002

Mr. Goy wishes to be reappointed

Election Commission

Appointed by Council (3) - 1 year

Term expires 12-31-2002

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
952-5708 H	David C. Anderson (R)	2361 Oak Ridge, 98	Jan. 31, 2002
879-0912	Timothy Dewan (D)	6234 Crescent Way, 98	Dec. 31, 2001
524-3318	Tonni L. Bartholomew, Ch.	City Clerk	(Charter)

Historic District Commission

Appointed by Council (7)- 3 years

Term expires 3-01-2004

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
879-9494H 366-1224B	Marjorie A. Biglin	5863 Cliffside, 98	March 1, 2004
689-7031	Kevin Danielson	210 Paragon, 98	May 15, 2003
619-7119H 362-2888B	David J. Eisenbacher	1863 Lakewood, 83	March 1, 2002
645-2187H	Paul C. Lin	1599 Witherbee, 84	May 15, 2003
828-0618	William G. Martin, Ch. (Resigned)	138 E. Square Lake, 98	March 1, 2004
524-1874H	Jacques O. Nixon	1035 Milverton, 83	March 1, 2002
689-0516	Dorothy Scott	129 Belhaven, 98	May 15, 2003

Mr. Martin has resigned effective 10/21/01.

Historical Commission

Appointed by Council (7)- 3 years

Term expires 7-01-2002 (Student)

Term expires 7-31-2004

		ADDRESS (Voters)	TERM EXPIRES
879-0195	Edward Bortner	193 Hurst, 98	July 31, 2002
649-5074H 810-497-5333B	Roger Kaniarz	4350 Stonehenge, 98	July 31, 2002
879-8659	Cynthia Kmett	1168 Snead, 98	July 31, 2001
641-1962	Rosemary Kornacki	4648 Rivers Edge, 98	July 31, 2002
879-6168	Jeannine Kufra (Student)	683 Sylvanwood, 98	July 01, 2001
828-3632H 753-2408B	Kevin Lindsey	6890 Norton, 98	July 31, 2003
879-6567	Muriel W. Rounds	6291 Ledwin, 98	July 31, 2003
689-1249	Brian J. Wattles	3864 Livernois, 83	July 31, 2004

Cynthia Kmett **does not** wish to be reappointed.

Library Committee

Appointed by Council (5) - 3 years

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
643-7152H 313-226-8614B	David Cloyd	1737 Chatham Dr., 84	Apr. 30, 2003
689-6735	Margaret Gaffney	2467 London, 98	Apr. 30, 2002
641-0248	Michael Gladysz (Student)	4633 Riverchase, 98	Dec. 31, 2001
689-2623	Lynne R. Gregory	2244 Niagara, 83	Apr. 30, 2004
879-8045	Fern Nelsen	2567 Coral, 98	Apr. 30, 2002
641-8511	Nancy D. Wheeler, Pres.	5355 Beach, 98	Apr. 30, 2004

Liquor Committee

Appointed by Council (7) - 3 years

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
879-0817H 689-5900W	Max K. Ehlert	6614 Northpoint, 98	Jan. 31, 2002
689-4614H 810 575-2648B	W. S. Godlewski	2784 Whitehall, 48098	Jan. 31, 2002
828-7436	James C. Moseley	1687 White Birch Ct.,98	Jan. 31, 2003
689-8092	James R. Peard	4549 Post, 98	Jan. 31, 2003
642-1887H 647-9099W	Thomas G. Sawyer, Jr., Ch.	895 Norwich, PO 99236,Troy 48099	Jan. 31, 2003
649-7480	David J. Balagna	1822 Wilmet, 98	Jan. 31, 2003
689-1099	John J. Walker	94 Evaline, 98	Jan. 31, 2003
641-8432	Jennifer Gilbert (Student)	4808 Rivers Edge, 98	July 1, 2001
524-3477	Capt. Dane Slater	Police Department	(Ex-officio)

Planning Commission

Mayor, Approved by Council (9) - 3 years

Term expires 12-31-2004

Term expires 12-31-2004

Term expires 12-31-2004

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
524-9850	Gary G. Chamberlain	4850 Alton, 98	Dec. 31, 2002
689-1849	Jordan C. Keoleian (Student)	3709 Kings Point Dr, 83	July 01, 2002
952-5588 H 435-1712 B	Dennis A. Kramer	1903 Spiceway, 98	Dec. 31, 2003
879-8877H 649-1150B	Larry Littman	6867 Killarney, 98	Dec. 31, 2001
528-3848	Cynthia Pennington	1924 Westwood, 83	Dec. 31, 2002
689-3722	James E. Reece, Jr.	2915 Hill, 98	Dec. 31, 2001
524-2285	James H. Starr	2643 Arrowhead, 83	Dec. 31, 2002
879-8529	Walter A. Storrs, III	5676 Martell, 98	Dec. 31, 2003
642-9737	David T. Waller	2921 Townhill, 84	Dec. 31, 2003
641-7115 H 775-7710 B	Wayne C. Wright	2525 Homewood, 98	Dec. 31, 2001

Mr. Littman wishes to be reappointed.

Traffic Committee

Appointed by Council (7) – 3 years

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
649-2319	David Allen (Student)	3755 Ledge Ct., 84	July 01, 2001
879-0103	John Diefenbaker	5697 Wright, 98	Jan. 31, 2003
879-0250H 663-5055B	Eric S Grinnell	406 E Square Lake, 84 MAIL TO: PO Box 99417 Troy MI 48099	Jan. 31, 2003
689-1223	Lawrence Halsey	663 Vanderpool, 83	Jan. 31, 2003
689-9401H (313)665-4284B	Jan L. Hubbell	1080 Glaser, 98	Jan. 31, 2002
524-1595	Richard A. Kilmer	62 Hickory, 83	Jan. 31, 2002
689-0217H 223-2303B	Michael Palchesko	36 Randall, 98	Jan. 31, 2002
524-9062H 689-2920B	Charles A. Solis, Ch.	1866 Crimson, 83	Jan. 31, 2003
524-3379	John Abraham	Traffic Engineer	(Ex-officio)
524-3443	Charles Craft	Police Chief	(Ex-officio)
524-3419	William Nelson	Fire Chief	(Ex-officio)

Troy Daze Committee

Appointed by Council (9) - 3 years

Term expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
528-0155 H 322-9813B	Robert A. Berk	726 Thurber, 98	Nov. 30, 2003
879-9030H 879-0272B	Sue Bishop	6109 Emerald Lake, 98	Nov. 30, 2004
528-1551	Jim D. Cyrulewski.	626 Randall, 98	Nov. 30, 2004
689-9244	Cecile Dilley	2722 Sparta, 83	Nov. 30, 2004
828-8084	Kessie Kaltsounis	6798 Jasmine, 98	Nov. 30, 2002
879-6958H 354-3710B	Richard L. Tharp	6881 Westaway Dr.98	Nov. 30, 2003
649-4345H 944-5968B	William F Hall	1891 Kirts, Apt 215, 84	Nov. 30, 2002
689-2074H 569-8454B	Jeffrey Stewart (Repr to Parks/Rec Board)	884 Hidden Ridge, 83	Sept. 30, 2003
879-3710	Eldon Thompson	6500 Denton, 98	Nov. 30, 2002
952-1732	Cheryl A Kaszubski	1878 Freemont, 98	Nov. 30, 2003
952-1763	Rebecca Mill (Student)	1478 Brentwood, 98	July 1, 2001

***Advisory Committee for Persons With Disabilities
Committee of 9, 3 Alternates***

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>	<i>TimeApplied Term Limits</i>
Bertin, Leonard O	5353 Rochester Rd, 98	813-9575 258-2500B	11/1/02	1/10/00	1/10/00
Buchanan, Cynthia (Alternate)	840 Huntsford, 84	362-0671	11/1/03	4/23/01	4/23/01
Butler, Mary Ann (Alternate)	1060 Glaser, 98	689-9098	11/1/03	1/13/92	12/18/00
D'Anna, Philip	5149 Westmoreland, 98	248-526-3088B	11/1/01	11/3/97	6/21/99
Done, Angela	2304 Academy, 83	689-1457	11/1/02	3/1/93	11/15/99
Gauri, Kul B	5305 Greendale, 98	680-0325	11/1/02	4/23/01	4/23/01
House, Theodora	301 Belhaven, 98	680-1232	11/1/03	10/19/99	10/18/99 11/20/00
Johnson, Nancy	1461 Lamb, 98	740-8983	11/1/03	9/13/93	11/20/00
Kuschinsky, Dick	5968 Whitfield, 98	641-7764 313-496-2686B	11/1/04	6/27/94	6/21/99
Lu, Sharon (Student)	1749 Freemont, 98	641-3860	7/01/02	9/10/01	N/A
Ong, Jerry (Student)	1903 Fleetwood, 98	952-0484	7/01/02	12/04/00	N/A
Rodgers, John J	5925 Whitfield, 98	641-9538	11/1/03	4/23/01	4/23/01
Sura, Nancy	1436 Welling, 98	528-3133 248-696-2140B	11/1/01	10/26/92	6/21/99

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION #98-540

***Advisory Committee for Persons With Disabilities
Committee of 9, 3 Alternates***

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Burt, Susan	2134 Oakwood, 85	828-1967H 313-577-1435B	9/24/01 9/2003	10/01/01	
Kasunic, Diane	3036 Oakhill Troy MI 48084	433-1348	7/19/00 3/22/01	8/09/00 4/09/01	Charter Revision Committee
Manetta, Pauline	1473 Lila, 85	689-4983H 547-3286B	11/26/01 11/2003	12/03/01	
Pietron, Dorothy Ann	1716 Eldridge, 83	524-9160	7/10/01 6/2003	7/23/01	
Shah, Jayshree	4053 Drexel	952-5555H 810-986-3191	08/28/01 8/2003	9/17/01	

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION #98-540

***Board of Canvassers
Committee of 4***

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>
Ersin, Rolland	6301 Atkins, 98	879-0950	12/31/03	12/07/87
Kohut, Gary	2414 John R, Apt A203, 83	680-8870	12/31/01	1/07/91
Shiner, Mary	5456 Patterson, 98	879-9776	12/31/01	2/07/99
Webb, Carole	2434 Hampton, 84	644-1038	12/31/03	2103/97

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Kasunic, Diane	3036 Oakhill, 84	433-1348	7/19/00 3/22/01	8/09/00 4/09/01	Charter Revision Committee
Ziegenfelder, Peter F	3695 Forge Dr, 83	528-0237H 696-2277B	12/07/00 6/11/01 5/2003	12/18/00 07/09/01	

***Downtown Development Authority
Committee of 12***

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>
Culpepper, Michael W	1236 Autumn, 98	952-1952H 391-8185B 248-391-4895Fax mculpepp@auburnhills.org	9/30/04	8/16/99
Frankel, Stuart	3221 W. Big Beaver Ste 106, 84	649-2924	9/30/03	10/18/99
Goy, Philip	380 Tara, 98	879-2450H/W 248-879-7050Fax	9/30/01	
Kennis, William	249 W Hurst, 98 100 W Big Beaver, Ste. 200, 84	879-6439H 526-0576B	9/30/02	9/13/93
Kiriluk, Alan M	Kirco Development Corp 101 W Big Beaver Ste 200, 84	680-7180W 642-1875H 248-680-7181Fax	9/30/04	9/13/93
MacLeish, Daniel	MacLeish Building, Inc 650 E Big Beaver Ste F, 83	524-3244W 641-7999H 248-689-7210Fax	9/30/05	9/13/93
Maxson, Clarke B	1091 Oxford Birmingham MI 48009 Midwest Guaranty Bank 201 W Big Beaver Ste 125, 84	258-5734H 689-8081B 248-689-8651Fax	9/30/03	8/31/98
Nick Najjar	3150 Livernois Ste 175, 83	260-0061W 248-260-0077Fax	9/30/05	11/19/01
Price, Carol A	6136 Sandshores, 98	879-8695	9/30/03	9/13/93
Pryor, Matt	6892 Coolidge, 98	879-3896H 248-879-3896Fax 248-709-0383Cell	9/30/02	4/23/01
Reschke, Ernest C	6157 Walker, 98	879-6033	9/30/02	
Schroeder, Douglas J	6473 Anslow, 98	689-6555B	9/30/02	12/07/98
York, G Thomas	221 St Lawrence Blvd Northville MI 48167 Forbes/Cohen Properties 2800 W Big Beaver, 84	827-4600B	9/30/04	11/15/99

RESUMES/CURRENT MEMBERS/INTERESTED CITIZENS

BOARDS/COMMITTEES OF TROY

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Alexander, Larry	4685 Rambling Dr., 98	952-5355H 313-202-1801B	6/12/01 5/2003	7/09/01	
Baughman, Deborah L	967 Muer, 84	362-3082H 313-961-8380B	3/29/01/6/18/01 5/2003	4/09/01 7/09/01	
Calice, Mark A	4235 Beach, 98	644-8310	6/97		Employee Retirement System
Chang, Jouky	3654 Boulder, 84	649-8237H 313-394-6941B	10/02/01 10/2003	10/15/01	
Daugherty, Patrick	5512 Whitfield, 98	641-1849H 313-442-6495B	11/14/01 11/2003	11/19/01	
Gleeson, John A	6186 Elmoor , 98	879-0797	2/19/99		Municipal Building Authority
Hall, Patrick C	5363 Clearview, 98	641-4765H 952-0400B	1/26/01 1/2003	2/05/01	
Hodges, Michele	1169 Bedford Grosse Point Park, Michigan 48230	313-881-0523H 248-641-0197	11/14/01 11/2003	11/19/01	
Hoef, Paul V	3671 Scott, 84	641-1358H 244-3521B	9/12/01 9/2003	9/17/01	
Howrylak, Frank J	3035 Newport Ct, 84	643-6653H 512-3110B	4/05/01	4/09/01	Board of Review
Huber, Laurie G	2794 Saratoga, 83	619-1487	6/18/01 5/2003	7/09/01	
Kasunic, Diane	3036 Oakhill, 84	433-1348	7/19/00 3/22/01	8/09/00 4/09/01	Charter Revision Committee
Victoria Lang	2700 Dashwood, 83	589-3304	7/09/01 6/2003	7/23/01	
Lin, Paul Chu	1599 Witherbee, 84	645-2187	5/22/00	6/05/00	Historic District
Milia, Carmelo	3911 Boulder, 84	643-0859	6/14/01 5/2003	7/09/01	
Rocchio, James A	2810 Waterloo, 84	649-9612H 205-2748B	4/16/01	4/23/01	Economic DevelopmentCorp
Schultz, Robert M	883 Kirts Blvd, 84	362-2128	6/19/01 5/2003	1/22/01 7/09/01	

RESUMES/CURRENT MEMBERS/INTERESTED CITIZENS

BOARDS/COMMITTEES OF TROY

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Shah, Jayshree	4053 Drexel	952-5555H 810-986-3191	08/28/01 8/2003	9/17/01	
Shiner, Mary E	5456 Patterson, 85	879-9776H 586-254-7707B	11/28/01 11/2003	12/09/01	Bd of Canvassers
Silver, Neil S	3837 Edenderry, 83	680-0147	8/11/00 6/20/016/03	8/21/00 7/09/01	
Watkins, Patrick N	2638 Parasol, 83	689-1379H 810-574-7132	5/22/00 5/2003	6/05/00	
Wilberding, Bruce J	3762 Boulder, 84	649-3073H 680-0400B	8/05/99		Brownfield Authority
Wright, Wayne C	2515 Homewood, 98	641-7115H 810-775-7710B	1/07/99		Planning Commission

***Election Commission
Committee of 3***

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>
Anderson, David C (R)	2361 Oak Ridge, 98	952-5708H 641-8000B	1/31/02	2/08/82
Dewan, Timothy (D)	6234 Crescent Way, 98	879-0912	12/31/01	5/04/98
Bartholomew, Tonni	City Clerk	524-3316	Charter	10/02/00

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Gauri, Kul B	5305 Greendale, 98	680-0325	8/26/99		Advisory Committee Persons w/Disabilities
Hoef, Paul V	3671 Scott, 84	641-1358H 244-3521B	9/12/01 9/2003	9/17/01	
Kasunic, Diane	3036 Oakhill, 84	433-1348	7/19/00 3/22/01	8/09/00 4/09/01	Charter Revision Committee
Shah, Jayshree	4053 Drexel	952-5555H 810-986- 3191	08/28/01 8/2003	9/17/01	
Ziegenfelder, Peter	3695 Forge, 83	528-0237H 696-2277B	12/07/00 6/11/01 5/2003	12/18/00 7/09/01	

***Historic District Commission
Committee of 7***

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>	<i>TimeApplied Term Limits</i>
Biglin, Marjorie A	5863 Cliffside, 98	879-9494H 366-1224B	3/01/04	4/09/01	4/09/01
Danielson, Kevin	210 Paragon, 98	689-7031	5/15/03	11/19/98	2/19/01
Eisenbacher, David J	1863 Lakewood, 83	619-7119H 362-2888B	3/01/02	4/17/00	4/17/00
Lin, Paul C	1599 Witherbee, 84	645-2187H	5/15/03	2/19/01	2/19/01
Martin, William G (Resigned)	138 E Square Lake, 98	828-0618	3/01/04	9/09/96	4/09/01
Nixon, Jacques O	1035 Milverton, 83	524-1874H	3/01/02	2/19/01	2/19/01
Scott, Dorothy	129 Belhaven, 98	689-0516	5/15/03	2/27/73	2/19/01

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

***Historic District Commission
Committee of 7***

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Krivoshein, Kerry S	1259 Ashley, 98	524-0227H 576-4799B	8/12/99 6/14/01 5/2003	7/09/01	

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

***Historical Commission
Committee of 7***

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>	<i>TimeApplied Term Limits</i>
Bortner, Edward	193 Hurst, 98	879-0195	7/31/02	4/24/95	10/04/99
Kaniarz, Roger	4350 Stonehenge, 98	649-5074H 810-497-5333B	7/31/02	4/09/01	4/09/01
Kmett, Cynthia Resigned	1168 Snead, 98	879-8659	7/21/01	9/15/97	
Kornacki, Rosemary	44648 Rivers Edge, 98	641-1962	7/31/02	11/06/95	11/01/99
Sucheta Sikdar (Student)	539 Kirts Blvd Apt 28	269-9087	7/01/02	9/10/01	
Lindsey, Kevin	6890 Norton, 98	828-3632H 753-2408B	7/31/03	3/05/01	3/05/01
Rounds, Muriel	6291 Ledwin, 98	879-6567	7/31/03	1/92	3/05/01
Wattles, Brian J	3864 Livernois, 83	689-1249	7/31/04	2/06/89	7/23/01

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

***Historical Commission
Committee of 7***

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Krivoshein, Kerry S	1259 Ashley, 98	524-0227H 576-4799B	8/12/99 6/14/01 5/2003	7/09/01	

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

***Library Advisory Board
Committee of 5***

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>	<i>TimeApplied Term Limits</i>
Cloyd, David	1737 Chatham, 84	643-7152H 313-226-8614B	4/30/03	3/29/99	3/29/99 3/20/00
Gaffney, Margaret	2467 London, 98	689-6735	4/30/02	2/20/89	3/29/99
Gladysz, Michael (Student)	4633 Riverchase, 98	641-0248H	12/31/01	3/05/01	
Gregory, Lynne R	2244 Niagara, 83	689-2623	4/30/04	4/21/89	4/23/01
Nelsen, Fern A	2567 Coral, 98	879-8045	4/30/02	4/30/84	3/29/99
Wheeler, Nancy D	5355 Beach, 98	641-8511	4/30/04	10/23/89	4/23/01

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

RESUMES/CURRENT MEMBERS/INTERESTED CITIZENS

BOARDS/COMMITTEES OF TROY

<i>Interested Citizens</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Balagna, David J	1822 Wilmet, 98	619-1472H 649-7480B	2/02/00	2/00	Liquor Advisory Committee
Daugherty, Patrick	5512 Whitfield, 98	641-1849H 313-442-6495B	11/14/01 11/2003	11/19/01	
Gauri, Kul B	5305 Greendale, 98	680-0325	8/26/99		Advisory Comm for Personsw/Disabilities
Victoria Lang	2700 Dashwood, 83	589-3304	7/09/01 6/2003	7/23/01	
Nelson, Albert T Jr	5846 Clearview, 98	528-1111B	3/16/99		Personnel Board
Patel, Shreeti	43 Crestfield, 98	740-1231	10/24/00 10/2002	11/06/00	
Shah, Jayshree	4053 Drexel	952-5555H 810-986-3191	08/28/01 8/2003	9/17/01	
Shiner, Mary E	5456 Patterson, 85	879-9776H 586-254-7707B	11/28/01 11/2003	12/09/01	Bd of Canvassers
Solomon, Mark R	2109 Golfview, Apt 102, 84`	649-2018H 689-8282B	2/05/99		Charter Revision

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

***Liquor Advisory Committee
Committee of 7***

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>	<i>TimeApplied Term Limits</i>
Balagna, David J	1822 Wilmet, 98	619-1472	1/31/03	1/31/01	1/31/01
Ehlert, Max K	1224 Hartwig, 98	879-0817	1/31/02	9/14/92	2/15/99
Gilbert, Jennifer (Student)	4808 Rivers Edge, 98	641-8432	7/01/01	6/19/00	
Godlewski, W S	2784 Whitehall, 98	689-4614H 810-575-2648B	1/31/02	6/21/99	6/21/99
Moseley, James C	1687 White Birch Ct, 98	828-7436	1/31/03	3/05/99	3/05/99
Peard, James R	4549 Post, 98	689-8092	1/31/03	2/16/98	1/08/01
Sawyer, Thomas G Jr	895 Norwich MAIL TO: PO Box 99236, 99	642-1887H 647-9099B	1/31/03	9/25/89	1/22/01
Walker, John J	94 Evaline, 98	689-1099	1/31/03	3/02/93	2/14/00
Captain Dane Slater	Police Department	524-3477			

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

***Liquor Advisory Committee
Committee of 7***

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Bennett, Alex	1065 Arthur, 83	689-8176	11/01/00	11/06/00	CATV Advisory
Deel, Ryan J	2926 Roundtree, 83	252-4588H 357-6610B	5/17/01/6/25/01 5/2003	5/21/01 7/09/01	
Hall, Patrick C	5363 Clearview, 98	641-4765H 952-0400B	1/26/01 5/2003	2/05/01	
Kovacs, Matthew	5621 Livernois, 98	879-5193H 458-5900B	1/08/01	1/22/01	Board of Zoning Appeals
Ukraine, Bohdan L	1895 Lyster Lane, 98	879-1361	1/30/01 5/2003	2/05/01	
Ziegenfelder, Peter F	3695 Forge Dr, 83	528-0237H 696-2277B	12/07/00 6/11/01 5/2003	12/18/00 07/09/01	

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

***Planning Commission
Committee of 9***

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>	<i>TimeApplied Term Limits</i>
Chamberlain, Gary G	4850 Alton, 98	524-9850	12/31/02	3/04/85	12/13/99
Keoleian, Jordan C (Student)	3709 Kings Point Dr, 83	689-1849	7/01/02	9/11/00	
Kramer, Dennis	1903 Spiceway, 98	952-5588H 435-1712B	12/31/03	10/24/88	12/18/00
Littman, Larry	6867 Killarney, 98	828-7100	12/31/01	3/29/99	3/29/99
Pennington, Cynthia	1924 Westwood, 83	528-3848	12/31/02	5/07/01	5/07/01
Reece, James Jr	2915 Hill, 98	689-3722H 248-838-5275B	12/31/01	2/03/75	
Starr, James H	2643 Arrowhead, 83	524-2285 248-338-2300B	12/31/02	2/23/87	12/13/99
Storrs, Walter A III	5676 Martell, 98	879-8529	12/31/03	10/18/76	12/04/00
Waller, David T	2921 Townhill, 84	642-9737	12/31/03	10/18/93	12/04/00
Wright, Wayne C	2525 Homewood, 98	641-7115H 810-775-7710B	12/31/01	7/27/81	

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

RESUMES/CURRENT MEMBERS/INTERESTED CITIZENS

BOARDS/COMMITTEES OF TROY

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Baughman, Deborah L	967 Muer, 84	362-3082H 313-961-8380B	3/29/01/6/18/01 5/2003	4/09/01 7/09/01	
Culpepper, Michael	1236 Autumn, 98	952-1952	12/97		Downtown Developmnt Authority
D'Anna, Philip	5149 Westmoreland, 98	740-9244	2/08/99		Advisory Comm For Persons w/Disabilities
Deel, Ryan J	2926 Roundtree, 83	252-4588H 357-6610B	5/17/016/25/01 5/2003	5/21/01 7/09/01	
Godlewski, W S	2784 Whitehall, 98	689-4614			Liquor Committee
Hall, Patrick C	5363 Clearview, 98	641-4765H 952-0400B	1/26/01 1/2003	2/05/01	
Howrylak, Frank J	3035 Newport Ct, 84	643-6653H 512-3110B	4/05/01	4/09/01	Board of Review
Kasunic, Diane	3036 Oakhill, 84	433-1348	7/19/00 3/22/01	7/19/00 3/22/01	Charter Revision Committee
Kovacs, Matthew	5621 Livernois, 98	879-5193H 458-5900BExt. 610	1/08/01	1/22/01	Board of Zoning Appeals
Victoria Lang	2700 Dashwood, 83	589-3304	7/09/01 6/2003	7/23/01	
Laze, Rudolf Q	2843 Iowa, 83	585-3668H 546-6700B	3/01/01 3/2003	3/05/01	
Lepp, Gary R	1227 Autumn, 98	641-3058H 641-8129B	4/16/01 4/2003	4/23/01	
Lin, Paul Chu	1599 Witherbee, 84	645-2187	5/22/00	6/05/00	Historic District
Manetta, Pauline	1473 Lila, 85	689-4983H 547-3286B	11/26/01 11/2003	12/03/01	
Milia, Carmelo	3911 Boulder, 84	643-0859	6/14/01 5/2003	7/09/01	
Milia, Carmelo	3911 Boulder, 84	643-0859	6/14/01 5/2003	7/09/01	
Nelson, Albert Taylor	5846 Clearview, 98	528-1111B			Personnel Board

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

RESUMES/CURRENT MEMBERS/INTERESTED CITIZENS
BOARDS/COMMITTEES OF TROY

Ogg, David	3951 Forge, 83	689-2210	2/9/99 4/16/01	4/23/01	Advisory Comm for Sr Citizens
Patel, Shreeti	43 Crestfield, 98	740-1231	10/24/00 10/2002	11/06/00	
Rocchio, James	2810 Waterloo, 84	649-9612H 205-2748B	4/16/01	4/23/01	Economic Development Corp
Schultz, Robert M	883 Kirts Blvd	362-2128H 827-2359B	1/15/01 6/19/01 5/2003	1/22/01 7/09/01	
Shah, Jayshree	4053 Drexel Dr, 98	952-5555	12/06/00 12/2002	12/04/00	
Silver, Neil S	3837 Edenderry, 83	680-0147	8/11/00 6/20/01 5/2003	8/21/00 7/09/01	
Ullmann, Lon M	5621 Willow Grove, 98	828-7625	3/19/01	4/09/01	Brownfield Redevelopment Auth
Walker, James	5356 Orchard Crest, 98	879-1223B	6/11/99 6/14/01 5/2003	7/09/01	
Wattles, Brian J	3864 Livernois, 83	689-1249	7/10/01 6/2003	7/23/01	Historical Commission
Wilberding, Bruce	3762 Boulder, 84	649-3073H 680-0400B	8/05/99		Brownfield Redevelopment Auth
Ziegenfelder, Peter F	3695 Forge Dr, 83	528-0237H 696-2277B	12/07/00 6/11/01 5/2003	12/18/00 07/09/01	

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

***Traffic Committee
Committee of 7***

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>	<i>TimeApplied Term Limits</i>
Allen, David (Student)	3755 Ledge Ct., 84		7/01/01	12/04/01	
Diefenbaker, John	5697 Wright, 98	879-0103	1/31/03	1/07/85	1/08/01
Grinnell, Eric S	406 E Square Lake, 98 MAIL TO: PO Box 99417, 99	879-0250H 663-5055B	1/31/03	4/23/01	4/23/01
Halsey, Lawrence	663 Vanderpool, 83	689-1223	1/31/03	10/14/85	2/07/00
Hubbell, Jan L	1080 Glaser, 98	689-9401H 313-665-4284B	1/31/02	1/08/90	3/01/99
Kilmer, Richard A	62 Hickory, 83	524-1595	1/31/02	5/10/99	5/10/99
Palchesko, Michael A	36 Randall, 98	689-0217H 223-2303B	1/31/02	8/14/95	3/01/99
Solis, Charles A	1866 Crimson, 83	524-9062H 689-2920B	1/31/03	9/26/94	1/08/01
Abraham, John	Traffic Engineer				
Craft, Charles	Police Chief				
Nelson, William	Fire Chief				

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

***Traffic Committee
Committee of 7***

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Deel, Ryan J	2926 Roundtree, 83	252-4588H 357-6610B	5/17/01/6/25/01 5/2003	5/21/01 7/09/01	
Howrylak, Frank J	3035 Newport Ct, 84	643-6653H 512-3110B	4/05/01	4/09/01	Board of Review
Hrynik, Thomas F	2828 Orchard Trail, 98	642-4534	10/01/00 6/14/01 5/2003	11/06/00 7/19/01	
Kasunic, Diane	3036 Oakhill, 84	433-1348	7/19/00 3/22/01	8/09/00 4/09/01	Charter Revision Committee
Kovacs, Matthew	5621 Livernois, 84	879-5193H 458-5900B Ext 610	1/08/01	1/22/01	Board of Zoning Appeals
Kuschinsky, Dick	5968 Whitfield, 98	641-7764H 313-496-2686B	10/11/01	11/05/01	Advisory Committee Persons w/Disabilitie
Nicoletti, Paul J	3885 Estates, 84	203-7800B	11/97 9/2001		
O'Brien, Robert J	6285 Brookings, 98	879-1466			Parks and Recreation
Ogg, David	3951 Forge, 83	689-2210	2/09/99 4/16/01	4/23/01	Advisory Comm for Senior Citizens
Patel, Shreeti	43 Crestfield, 98	740-1231	10/24/00 10/2002	11/06/00	
Schultz, Robert M	883 Kirts Blvd, 84	362-2128H 827-2359B	1/15/01 6/19/01 5/2003	1/22/01 7/09/01	
Wilberding, Bruce J	3762 Boulder, 84	649-3073H 680-0400B	8/05/99		Brownfield Authority
Wright, Wayne C	2515 Homewood, 98	641-7115H 810-775-7710B	1/07/99		Planning Commission
Ziegenfelder, Peter	3695 Forge, 83	528-0237H 696-2277B	12/07/00 6/11/01 6/2003	12/18/00 7/09/01	

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

***Troy Daze Advisory Committee
Committee of 9***

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>
Berk, Robert A	726 Thurber, 98	528-0155H 322-9813B	11/30/03	5/02/88
Bishop, Sue	6109 Emerald Lake Dr, 98	879-9030H 879-0272B	11/30/04	5/02/88
Cyrulewski, Jim D	626 Randall, 98	528-1551	11/30/04	5/02/88
Dilley, Cecile	2722 Sparta, 83	689-9244	11/30/04	5/02/88
Hall, William F	1891 Kirts Blvd, Apt 215, 84	649-4345H 944-5968B	11/30/02	1/10/00
Kaltsounis, Kessie	6798 Jasmine, 98	828-8084	11/30/02	5/04/98
Kaszubski, Cheryl	1878 Freemont, 98	952-1732	11/30/03	11/04/97
Mill, Rebecca (Student)	1478 Brentwood, 98	952-1763	7/01/01	6/19/00
Stewart, Jeffrey Troy Daze Rep to Parks and Rec Board	884 Hidden Ridge, 83	689-2074H 569-8454B	9/30/03	3/05/01
Tharp, Richard L	6881 Westaway, 98	879-6958H 354-3710B	11/30/03	8/16/99
Thompson, Eldon	6500 Denton, 98	879-3710	11/30/02	6/05/00

***Troy Daze Advisory Committee
Committee of 9***

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Grinnell, Eric S	406 E Square Lk, 98 MAIL TO; PO Box 99417, 99	879-0250H 663-5055B	4/23/01	4/23/01	Traffic Committee
Huber, Laurie G	2794 Saratoga, 83	619-1487	9/22/00 6/18/01 5/2003	9/22/00 7/09/01	
Kovacs, Meaghan	5621 Livernois, 98	879-5193H 262-6932B	1/08/01 1/2003	1/22/01	
Pietron, Dorothy Ann	1716 Eldridge, 83	524-9160	7/10/01 6/2003	7/23/01	

**CITY OF TROY, MICHIGAN
APPLICATION FOR BOARDS AND COMMITTEES**

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for two years.
(Please type or print)

Date: 11-20-01

Name: PAULINE MANETTA
Address: 1473 LILA DR.
City: TROY Zip: 48085
Home Phone Number: 248-689-4983
Employer: A-ELITE HOME CARE SERVICE, INC.
Address: 3055 HILTON FERNDALE Phone: 248-547-3286
Are you a registered voter in the City of Troy? 1974-Present YES
How long have you lived continuously in the City of Troy? 1974-Present
Have you ever been convicted for anything other than a minor traffic violation? No

Number the Advisory Boards or Committees for which you would like to apply:
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Advisory Committee for Persons with Disabilities | <input type="checkbox"/> Advisory Committee for Senior Citizens |
| <input type="checkbox"/> Animal Control Appeals Board | <input type="checkbox"/> Board of Canvassers |
| <input type="checkbox"/> Board of Review | <input type="checkbox"/> Board of Zoning Appeals |
| <input type="checkbox"/> Building Code Board of Appeals | <input type="checkbox"/> CATV Advisory Committee |
| <input type="checkbox"/> Charter Revision Committee | <input type="checkbox"/> Civil Service Commission Act 78 |
| <input type="checkbox"/> Downtown Development Authority | <input type="checkbox"/> Economic Development Corporation |
| <input type="checkbox"/> Election Commission | <input type="checkbox"/> Historical Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Library Board |
| <input type="checkbox"/> Liquor Committee | <input type="checkbox"/> Municipal Building Authority |
| <input type="checkbox"/> Parks & Recreation Board | <input type="checkbox"/> Personnel Board |
| <input checked="" type="checkbox"/> Planning Commission | <input type="checkbox"/> Retirement System Board of Trustees |
| <input type="checkbox"/> Traffic Committee | <input type="checkbox"/> Troy Daze Committee |

☐ I do not wish to be reappointed.

F-1

Professional Qualifications and/or Work Experience: I took care of my
mother for 25 yrs. & now own a Home
Care Agency.

Community Activities and/or Other Experience: —

Educational Background:

High school

References (Please list name and address):

Mr. & Mrs. MIKE MONTGOMERY - 524-9439

GIL HOLLIDAY - 524-1600 - Mgr. at Century 21 Town & Country

Mr. & Mrs. Faye Powell - ~~524~~ - 689-8268

Please indicate REASONS FOR DESIRING TO SERVE:

I want to make things better for the
disabled.

Signature: _____

Pauline Manetta

**PLEASE RETURN THIS APPLICATION TO: TROY CITY CLERK'S OFFICE
500 W Big Beaver Road
Troy MI 48084**

rev.11/00

For the Best Care

A-Elite Home Care Services, Inc.

**Pauline Manetta
Executive Director**

**Office 248-547-3286
Fax 248-547-3360**

Available 24 Hours

Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

RECEIVED
CITY OF TROY

248 524-3316

November 26, 2001

2001 NOV 28 PM 3:14

Mary Shiner
5456 Patterson
Troy MI 48098

Your appointment to the Board of Canvassers will expire this December. Please indicate whether you wish to be **reappointed** to this committee and your interest (if any) in other Boards and Committees by completing the following form.

APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for **two years**. **(Please type or print)**

Date: 11-28-01

Name: MARY E. SHINER

Address: 5456 PATTERSON DR.

City: TROY Zip: 48085

Home Phone Number: 248-879-9776

Employer: GREAT LAKES RESTORATION

Address: 52040 VAN DYKE ^{SHELBY} Phone: 586-254-7707

Are you a registered voter in the City of Troy? YES

How long have you lived continuously in the City of Troy? 29 YRS.

Have you ever been convicted for anything other than a minor traffic violation? NO

Number the Advisory Boards or Committees for which you would like to apply:
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

☐ Advisory Committee for Persons with Disabilities

☐ Animal Control Appeals Board

☐ Board of Review

☐ Building Code Board of Appeals

☐ Charter Revision Committee

☒ 2. Downtown Development Authority

☐ Election Commission

☐ Historic District Commission

☐ Liquor Committee

☐ Parks & Recreation Board

☐ Planning Commission

☐ Traffic Committee

☐ Advisory Committee for Senior Citizens

☒ 1. Board of Canvassers

☐ Board of Zoning Appeals

☐ CATV Advisory Committee

☐ Civil Service Commission Act 78

☐ Economic Development Corporation

☐ Historical Commission

☒ 3. Library Board

☐ Municipal Building Authority

☐ Personnel Board

☐ Retirement System Board of Trustees

☐ Troy Daze Committee

☒ I wish to be reappointed

☐ I do not wish to be reappointed

F-1

November 26, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager / Services
Jeanette Bennett, Purchasing Director
Stephen Pallotta, Building Operations Director

RE: Janitorial Services –
Addition of the Fire / Police Training Center -
Clean Care, Resolution 2000-471

Recommendation

On October 16, 2000, an award was made to the low bidder, Clean Care of Oak Park, Resolution 2000-471, for Janitorial Services for all City locations. Included in the contract was a provision to negotiate into the contract additional new locations under construction, as the buildings went into service. The first addition to the contract is the 6,915 sq. ft. Police / Fire Training Center at the cost of \$875 per month or \$10,500 per year.

Background Information

The cost per square foot is approximately \$.13 per sq. ft. This price is within the current range paid for other City buildings. It should be noted that smaller buildings are more costly to clean.

Budget

Funds will be available in the Police / Fire Training Facility operating account #269.7802.110.



RECEIVED NOV 19 2001

22610 Rosewood • Oak Park, MI 48237 • (248) 414-3880 • Fax (248) 414-3879

November 19, 2001

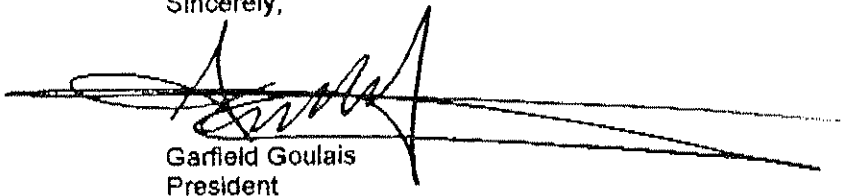
Jeanette Bennett
Purchasing
City of Troy
500 W Big Beaver
Troy, Mi. 48084

Dear Jeanette:

Per my meeting with Steve Pallotta and my walk through of your new Fire Hall/Training Center, Clean Care would quote the cleaning as follows:

1. 6,915 Sq. Ft.
2. Service days: Tu & Th.
3. Areas of service: All hallways & entranceways, lunchroom, all office on West hallway, training rooms A, B, & C, Stairs & landings to garage and all restrooms including locker rooms.
4. NO cleaning of offices along East hallway
5. Cost: \$875.00 per month

Sincerely,



Garfield Goulais
President



A BUILDING SERVICES COMPANY

Request from Target Corporation (A Minnesota Corporation): (a) To Transfer Ownership of 2000 12 Month Resort Class C Licensed Business with Direct Connection from Fairlane Town Center, 18900 Michigan, Suite 1003, Dearborn, MI 48126, Wayne County to 2752 W. Big Beaver, Troy, MI 48084, Oakland County. [MCL REF#88375]; (b) Approval of Agreement

F-11

(a) License Transfer

Resolution #2000-469
Moved by Pallotta
Seconded by Allemon

RESOLVED, That the request from Target Corporation (A Minnesota Corporation), to transfer ownership of a 2000 12 Month Resort Class C Licensed Business with direct connection from Fairlane Town Center, 18900 Michigan, Suite 1003, Dearborn, MI 48126, Wayne County to 2752 W. Big Beaver, Troy, MI 48084, Oakland County. [MCL REF#88375], be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.

Yes: All-7

(b) Agreement

Resolution #2000-470
Moved by Pallotta
Seconded by Allemon

WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby approves an agreement with Target Corporation, which shall become effective upon approval of the transfer of a 2000 12 Month Resort Class C Licensed Business at 2752 W. Big Beaver, Troy, MI 48084, Oakland County. [MCL REF#88375], and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original Minutes of this meeting.

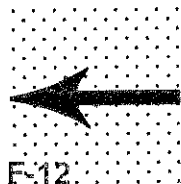
Yes: All-7

Bid Award, Janitorial Services

Resolution #2000-471
Moved by Pallotta
Seconded by Allemon

Bid Award, Janitorial Services – Continued

F-12



F-12

RESOLVED, That a two-year contract for janitorial services with an option to renew for two additional years is hereby awarded to the low bidder, Clean Care of Oak Park at unit prices contained in the bid tabulation dated October 10, 2000 a copy of which shall be attached to the original Minutes of this meeting at an estimated annual cost of \$374,400.00 contingent upon contractor submission of properly executed proposal and contract documents, including bonds, insurance certificates and all other specified requirements.

BE IT FURTHER RESOLVED, That amendments to the monthly cleaning prices are hereby approved based upon the cost per square foot price for each building due to new construction and renovations except where cleaning services are beyond the scope of the current contract.

Yes: All-7

COUNCIL COMMENTS

Meeting held with Hubbell, Roth & Clark and City Management regarding Rochester Road design and report will be provided to City Council after further review.

COUNCIL REFERRALS

VISITORS

REPORTS AND COMMUNICATIONS

Council Referrals

G-1

Minutes - Boards and Committees

G-2

- (a) Advisory Committee for Persons with Disabilities – September 6, 2000
- (b) Troy Daze – September 6, 2000
- (c) Advisory Committee for Senior Citizens – September 7, 2000
- (d) Planning Commission – September 12, 2000
- (e) Parks and Recreation Advisory Board – September 14, 2000
- (f) Library Advisory Board – September 14, 2000
- (g) Board of Zoning Appeals – September 19, 2000
- (h) Traffic Committee – September 20, 2000
- (i) Building Board of Appeals – October 4, 2000
- (j) Liquor Advisory Committee – October 9, 2000

Noted and Filed

Department Reports:

G-3

- (a) September 30, 2000 Quarterly Financial Report
- (b) Building Permits Issued - September, 2000

Noted and Filed

October 11, 2000

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Steve Pallotta, Director of Building Operations

RE: Bid Award, Janitorial Services

RECOMMENDATION

On October 10, 2000, bids were opened for a two-year contract to furnish Janitorial Services commencing on November 5, 2000 with an option to renew for two (2) additional years. It is recommended that Clean Care of Oak Park, the low bidder, be awarded the contract at unit prices* contained in the attached bid tabulation dated October 10, 2000. The estimated total annual contract cost is \$374,400.

AMENDMENTS TO THE CONTRACT

The contract may be amended during the contract period. The cost per square foot price bid remains firm but the different buildings square footage may change during the contract term due to new construction and renovations. The only exception will be the final construction of the Community Center where certain features such as the natatorium may require cleaning services beyond the scope of the current contract. The contract changes of this magnitude will be brought back to the City Council for approval.

REJECTION OF ALTERNATES 1 AND 2

Staff recommends rejecting the alternate options quoted for glass cleaning and blind cleaning at the large locations where this work is not specified in the cleaning routine. The Building Maintenance Department prefers to receive quotations for these services on an as needed basis from companies that specialize in these services.

BUDGET

Costs for this contract are charged to various departmental operating budgets as needed.

* Note: Clean Care's bid contained an obvious decimal error in their square footage prices that was considered a minor deviation and clarified in the letter attached. The Law Department reviewed the deviation and concurred.

51 Bids Sent
5 Bids Rec'd
1 No Bids
1 Late Bid

November 12, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol Anderson, Parks and Recreation Director

SUBJECT: Bid Waiver – Bus Rental for Downhill Ski Program

RECOMMENDATION:

Staff is requesting the formal bid process be waived for bus rental for the 2001-2002 Downhill Ski Program. Nineteen, 66-passenger buses are required for 5 consecutive weeks. Total award shall not exceed \$33,000. As in the past, staff recommends to use Troy School buses be used as they have availability on both Friday and Saturday, are less expensive, and meet department restrictions regarding cancellation notice.

PROJECT SUMMARY

Staff conducted a market comparison and the following was found:

*National Trails-	Friday - \$433.00 Saturday - \$484.00
*First Choice Transportation-	Friday - \$475.00 Saturday - \$475.00
Troy Schools-	Friday - \$319.19 Saturday - \$380.88

*Only offers 55 or 47 passenger buses, 66-passenger required.

BUDGET

Funds are available in account number 754.7905, "other fees" for this service.

Prepared by Elaine Bo, Recreation Supervisor

November 20, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager - Services
John M. Lamerato, Assistant City Manager – Finance and Administration
Jeanette Bennett, Director of Purchasing

RE: Conference Room Renovation – Upper Level

RECOMMENDATION

The City requests approval and authorization to expend approximately \$96,100 to complete the next phase of renovation resulting from use of the vacated court space. These funds would be used to renovate the area vacated by one of the Courtrooms on the second floor. This renovation would allow enough space for City Council Study Sessions that would have cable televising capability, presentation equipment, and spectator seating always ready for use.

DETAILS

Attached for your review is a proposed plan of the renovated area (Appendix A) and detailed cost estimates (Appendix B). Highlights of the plan include the following:

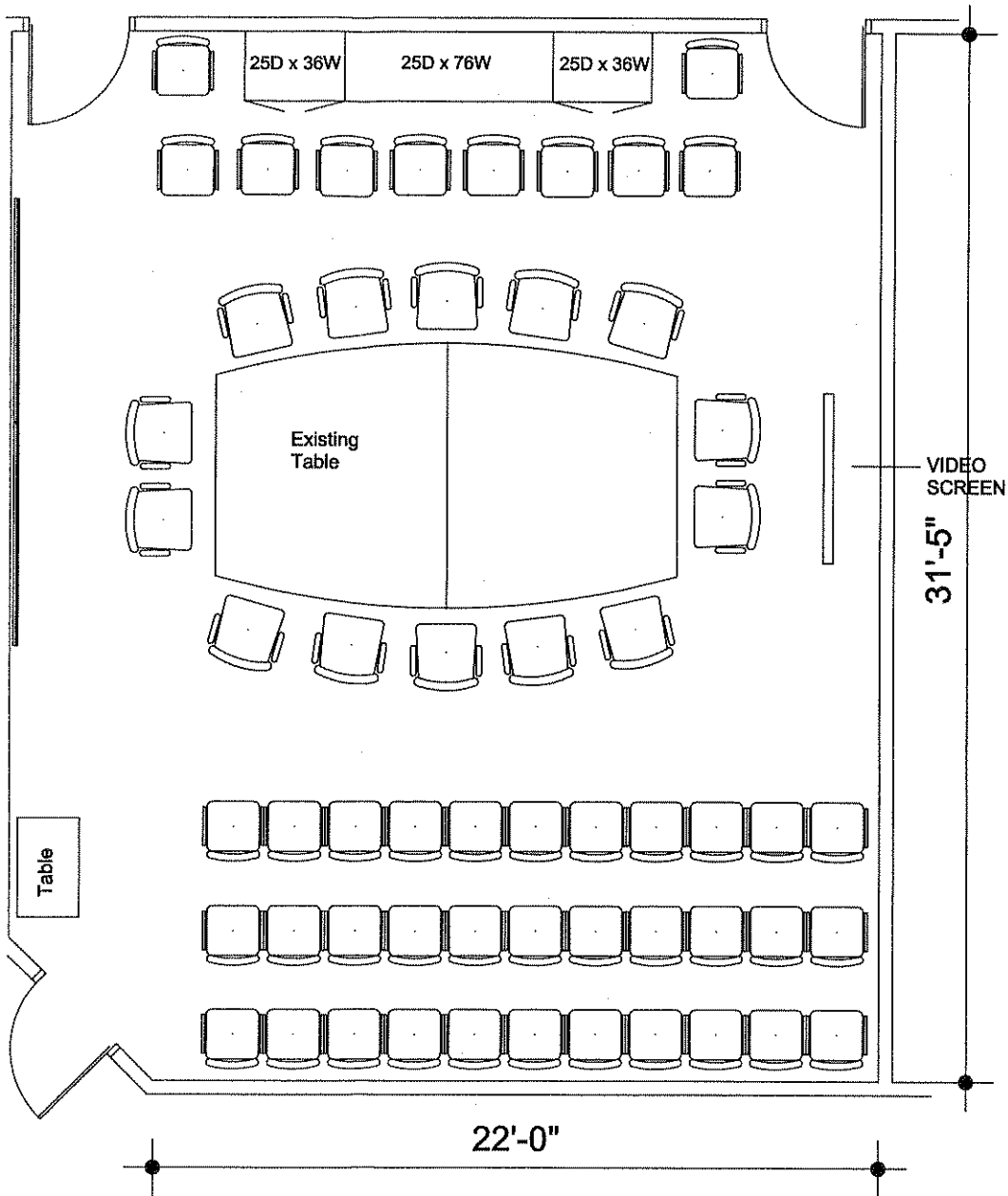
- The final placement of the large conference table donated by Kmart Corporation which is 14' x 8'.
- The credenza, phone table, and computer stand that matches the donated table would be moved from Conference Room C to the conference room.
- Two (2) Nucraft storage units that match the existing furniture would be bid.
- Fourteen (14) Tuohy 901 leather chairs would be purchased through a bid process for Council and presenting staff seated around the conference table.
- Audiovisual presentation equipment would be priced that would allow the same access as that in the Lower Level Conference Room.
- A three (3) camera remote system would be installed to allow the televising of meetings from this conference room.
- One (1) LCD projector would be purchased using the REMC Cooperative contract.
- Haworth spectator and staff seating would be purchased using the Oakland County Haworth contract.
- Interface carpeting would be purchased from the manufacturer as has occurred in other areas in City Hall.
- Building Operations staff would complete all remodeling including painting, carpet installation, and base cove installation.

SUMMARY

The recommendation to expend approximately \$96,100 will provide the Management Staff and City Council a permanent facility to handle study sessions and other group presentations taking full advantage of current technology. The funding for this project will come from the Proposal B bonds.

APPENDIX B
Detailed Cost Estimates
Upper Level Conference Room – Old Court Area

Cost Estimate for Renovation of Upper Level Conference Room		ESTIMATED COST	
	Items Already Owned		
1 Each	Credenza	0.00	
1 Each	Phone Table	0.00	
1 Each	Computer Stand	0.00	
1 Each	Refurbished Conference Table (Kmart Donation) 14' x 8'	0.00	
	Items to be Bid or Quoted		
2 Each	Storage Units – Nucraft / Match Existing Furnishings	\$7,000	
14 Each	Tuohy 901 Leather Chairs – Serena	\$12,000	
1 Each	Remote Camera System with 3 cameras, installation, and training	\$46,500	
1 Each	Audio Visual Package including installation of LCD projector, marker board, viewing screen, speakers, mixer, amplifier, wiring, installation	\$8,000	
2 Each	IF, Info Board Mounting Rail	\$800	
2 Each	IF, Info Board, 60" x 40", writable and tackable	\$900	
2 Each	IF, Info Board, 60" x 40", tackable / tackable, installation	\$900	
	Bid or Quote Estimated Total	\$76,100	\$76,100
	Replacement Furnishings for Conference Room C		
1 Each	Credenza – Oakland County Haworth Furniture Contract	\$2,000	\$ 2,000
	Items Purchased from Cooperative Contracts		
1 Each	LCD projector – REMC Contract	\$4,000	
10 Each	Haworth Stacker Chairs – Oakland County Contract	\$1,500	
33 Each	Haworth Stacker Chairs – Oakland County Contract	\$4,500	
	Estimated Total from Cooperative Contracts	\$10,000	\$10,000
	Building Maintenance (materials and labor)		
	Paint (2 coats with primer)	\$1,500	
	Carpet with Glue ~\$30 / sq. yard X 120 sq. yards	3,600	
	Base Cove	\$350	
	Carpet Labor: 3 men x 10 hours x \$25	\$750	
	Paint Labor: 3 men x 16 hours x \$25	\$1,200	
	Framed pictures for walls (3)	\$600	
	Estimated Total of Materials And Labor	\$8,000	\$8,000
	Grand Total		\$96,100



FLOOR PLAN

SCALE: 1/4" = 1'-0"



Date: December 3, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager

Peggy E. Clifton, Human Resources Director

Re: Contract Ratification - Troy Police Officers Association

RECOMMENDATION

City Administration supports and recommends approval of the tentative agreement for a four-year collective bargaining agreement between the City of Troy and the Troy Police Officers Association (TPOA).

BACKGROUND

On Friday, November 16, 2001, the Troy Police Officers Association (TPOA) ratified a tentative agreement for a four-year collective bargaining agreement between the City of Troy and TPOA. This Agreement will replace the contract that expired June 30, 2001.

This agreement is the 4th collective bargaining agreement to be achieved using the Interest-Based Bargaining method. This is the technique in which both sides discuss possible solutions to "issues" rather than holding to "positions" or "demands". This agreement with the TPOA provides a mutually satisfactory solution to the issues

raised by both parties in negotiations, and serves to bring more consistency in benefits among employee groups, consistent with our stated goal. A summary of the tentative agreement is attached for your review.

RESOLUTION

RESOLVED, that a collective bargaining agreement between the City of Troy and TPOA for the period July 1, 2001 through June 30, 2005 is hereby ratified by the City Council of the City of Troy, the Employer, and the Mayor and City Clerk are authorized to execute the final agreement.

Attachment

TENTATIVE AGREEMENT SUMMARY
City of Troy and TPOA
2001-2005 Collective Bargaining Agreement

<u>ISSUE</u>	<u>SOLUTION</u>
Wages/Longevity	<ul style="list-style-type: none"> a. 5%, 4%, 4%, 4% b. In 4th year, re-open wages if more than 2% variance from average wage of comparables c. Longevity caps increased to level of Sergeants' d. No longevity for new hires e. Longevity not a topic for future negotiations
Retirement	<ul style="list-style-type: none"> a. Provide same medical insurance currently available to command officers (DRI275/550 w/vision) b. Provide fully paid medical insurance for 2-person coverage in the event of a duty death c. Defined Contribution (DC) Plan made available to current officers via one-time 6-mo. window period d. Credited service deemed to mean all full-time city service, not just as a Police Officer e. Members receiving a disability retirement must meet the eligibility requirements under §7.1A of Chapter 10, Employee Retirement System.
Hospitalization/Medical Insur.	The parties agree to participate in a Health Committee comprised of representatives from all employee groups to review current health insurance plans and make recommendations to further the goal of reducing the number of plans in place.
Clothing/Cleaning Allowance	<ul style="list-style-type: none"> a. Increase clothing allowance from \$400 to \$500 effective 7/1/01; increase to \$525 effective 7/1/02. b. Increase cleaning allowance from \$300 to \$325 effective 7/1/01; increase to \$375 effective 7/1/02. c. Delete provision for a \$100 supplemental allowance.
Life Insurance	Increase maximum amount to \$50,000.
Personal Business Time	Not to be deducted from sick leave bank.
Disability Insurance	Long-term insurance limited to 5 years in the case of non-duty disability; City agrees to be advocate for employee in the event insurance co. physician

	disagrees with both the city and employee's designated physicians.
Overtime	Officers have option of compensatory time to maximum of 30 hours per quarter; comp time issue not to be re-opened in negotiations until such time as the 120 hour maximum for other city employees is changed.
Seniority	Define probationary period as 12 mos. from date of being sworn in as a Troy Police Officer
Tuition Reimbursement	100% of tuition cost toward Bachelors or Masters Degree, up to \$4,000 per fiscal year.
Promotions	<ol style="list-style-type: none"> a. Service ratings weighted 5% of total score b. Candidates given opportunity to review exam/answer sheet prior to Act 78 certification of eligible list
Direct Deposit	Required for new officers; current officers must enroll within 2 mos. of date of ratification.
Language Revisions	<ol style="list-style-type: none"> 1. Sick leave: Definition of "months worked" for sick leave purposes consistent with definition under Vacation section; clarification of conditions under which physician's certificate may be required. 2. Association Business: Eliminate reference to Sunday morning meetings; modify composition of negotiation team. 3. Police Work: Delete paragraph referencing enforcement standards

4. Work Assignments: If two applicants identically qualified, seniority prevails.
5. No Strike: Both employer and union share responsibility for instructing involved employees of contract violation
6. Assignment Pay: for Patrol Div. officer assigned to walk-up desk rather than officer assigned to Communications Bureau
7. Law Enforcement Code of Ethics: added to front of collective bargaining agreement, though not a provision of the contract.

October 22, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
John Lamerato, Assistant City Manager/Finance and Administration
Gary A. Shripka, Assistant City Manager/Services
Lori Bluhm, City Attorney
Carol Anderson, Parks and Recreation Director

Subject: Additional Funds for Troy Medi-Go Plus

Recommendation

Staff recommends approval of a request from Troy Medi-Go Plus for \$60,000 in additional funding for FY 01-02. The City of Troy contribution for FY 01-02 was budgeted at \$110,000.

Background Information

Ridership has increased approximately 40% with the initiation of a computerized reservation system last spring, and their oldest van has required extensive repairs this year. Independence for Life, an organization that has provided free vans in the past, is no longer in existence, and Medi-go Plus will have to purchase their next van from their general funds. These additional expenses will cause a budget deficit this year. Medi-Go provides a priceless service to our frail elderly and disabled residents and they would like to be able to maintain a level of service that residents can depend on.

City contributions to Medi-Go for the past several years have been as follows:

1998/99	\$57,000
1999/00	\$74,000
2000/01	\$99,000
2001/02	\$110,000 (plus \$60,000 if approved)
2002/03	\$200,000 (projected)

Medi-Go's other funding sources for this year:

SMART - \$20,000
Beaumont Hospital - \$15,000
Donations (rider and other) - \$14,000 projected

Budget

There are no funds budgeted for this request. A budget amendment would have to be completed.



Memorandum

To: Mayor and City Council
From: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: November 27, 2001
Subject: Council Rules of Procedures and Guidelines for Proposed Wetlands, and Natural Features Ordinances Public Hearing

As requested by City Council, the following is a proposed format and recommended Council Rules of Procedure and Guidelines for the upcoming City Council Public Hearing on the Proposed Wetlands, and Natural Features Ordinances.

To facilitate the public hearing process to allow for the maximum amount of audience participation the following recommended amendments to City Council's Rules of Procedure are provided for Council consideration:

- A. Should Council wish to deviate from their adopted Rules of Procedure the first action Council should first vote to suspend their Rules of Procedure. The following is a proposed resolution:

RESOLVED, That Council Rule 15 is hereby suspended to allow for amended visitor participation for the Proposed Wetlands, and Natural Features Ordinances Public Hearing.

- B. Recommended Rules/Guidelines for the Proposed Wetlands, and Natural Features Ordinances Public Hearing:

RESOLVED, That Council Rule 15 is hereby amended for the Proposed Wetlands, and Natural Features Ordinance Public Hearing to incorporate 1, 2, 3 and 4 as follows:

1. Any person, not a member of the Council, may address the Council with recognition of the Chair and shall be allowed to speak no longer than ____ minute/s for items **not** previously discussed and no longer than ____ minute/s for items previously discussed, unless so permitted by the Council (An item will be considered previously discussed if it appears on the question and answer handout, which will be attached to the January 15, 2002 Agenda and items previously discussed to the prior to the visitor addressing Council).

2. Mayor ProTem/Council Member _____ shall be responsible for reporting violations of time limitations or speaking sequence to the Chair.
 3. Audience participation will be restricted to allow for participation from the individuals listed on the waiting list from the October 9, 2001 Public Hearing prior to all other visitors present wishing to make public comment (A listing of the individuals on the carry-over list will be attached to the January 15, 2002 Public Hearing Agenda).
 4. If a continuance of the public hearing is necessary, public comments on January 16, 2002 will be restricted to individuals present at the public hearing of January 15, 2002 who were unable to address Council due to time limitations and have placed their name on the carry-over list of participants for the public hearing of January 16th.
- C. City Council has indicated that the purpose of the public hearings is to receive public comment and that no decision will be made at the public hearing. Specific property questions brought up as part of the public hearing process will be addressed by staff who will be located in the lobby adjacent to the auditorium during the public hearing. Questions of a general nature that are not already addressed in the letter entitled "Answers to Questions Asked at the October 9, 2001 Public Hearing" will be responded to by City Staff prior to January 30, 2002.
- D. Due to the significant amount of time allocated for public comment in the public hearings, it is recommended that the scheduled public hearings of January 15 and 16 (carry-over participants only) be the final scheduled public hearings. However, additional public comments regarding the proposed ordinances may be forwarded, in writing, to the City Council. These written comments will be accepted as part of the formal public hearing record until February 18, 2002.

November 20, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Lori Bluhm, City Attorney
Carol K. Anderson, Parks and Recreation Director

Subject: Parks and Recreation Advisory Board, Chapter 27 City Code

Recommendation:

Staff recommends council adopt the proposed revision to Chapter 27, which is attached.

Background:

At the January 22, 2001 meeting, Council approved an amendment to Chapter 27 of the City Code to allow ten members of the Parks and Recreation Advisory Board on a temporary basis so that the Troy Daze Committee had a representative on the Board. The resolution included that the ordinance be changed when the Parks and Recreation Board had nine members. The ordinance would be changed to delete the Museum Board representative and to increase the at large members to six.

Subsequent to that approval, the Troy Daze Committee appointed Jeff Stewart as the representative. As Mr. Stewart was already a member of the Parks and Recreation Advisory Board, there has been no need for a tenth member.

Suggested Resolution:

RESOLVED, that an Ordinance to amend Chapter 27 of the Code of the City of Troy is hereby approved and a copy shall be attached to the original minutes of this meeting.

CITY OF TROY

AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 27, Parks and Recreation Board, of the Code of the City of Troy.

Section 2. Amendment

Chapter 27, Section 1, shall be amended as follows:

The Parks and Recreation Board shall consist of ~~ten~~ **nine** members ~~temporarily until a member resigns or is not reappointed, and~~ who shall have the qualifications of electors. ~~The said temporary member represents the Troy Daze Committee.~~ The Board shall be appointed by the City Council. All members shall serve without compensation. Members shall include one representative each from the Troy School Board of Education, Troy Daze Committee, Advisory Committee for Senior Citizens, ~~Museum Board~~ and ~~five~~ **six** at-large representatives. A student representative may be appointed by City Council as an ex-officio member of the Board. The Parks and Recreation Director shall serve as an ex-officio member of the Board and shall be responsible to the City Manager. ~~It is understood that the Parks and Recreation Board membership composition is not currently in compliance with Chapter 27 of the City Code and that at such time as there are nine members, the Ordinance shall be changed to reflect the composition by deleting the Museum Board representative and increasing the number of at-large members to six.~~

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days after adoption or publication, whichever occurs later.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2001.

Matt Pryor, Mayor

Tonni Bartholomew, City Clerk

November 27, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manger/Services
Gert Paraskevin, Information Services Director
Jeanette Bennett, Purchasing Director
Steve Vandette, City Engineer

SUBJECT: Approval of an Informal Quotation Procedure for the
Trimble Upgrade in lieu of Formal Bidding Procedure

RECOMMENDATION

The Engineering Department is recommending that the standard bidding process be waived and the City Council give approval to purchase one Trimble 5603 Autolock W/Direct Reflex EDM Total Station System from Michigan Surveyors Supply, Lansing, MI. for \$16,985.00 and to purchase two Trimble 5700 GPS Receivers from G. Lengemann Co., Niles, MI. for \$28,161.00. The purchase price of both the Total Station and GPS Units include the poles, cables, brackets, software, batteries, training, warranty and setup. A Market search was conducted to research the equipment and pricing was compared on similar units. (See Appendix A)

BACKGROUND:

By upgrading to the 5700 Trimble GPS receivers will greatly improve the ease of use of the GPS equipment by having everything affixed to one lightweight pole instead of a heavy and bulky backpack set-up. The elimination of a majority of the wires will also make it much safer for the user to maneuver. The improvement in the technology of the receiver will reduce the time it takes for the receiver to get initialized with the satellites.

By upgrading to the Trimble Total Station we can expect to see about a 40-50 percent reduction in the time it takes to collect topographic survey data. The instrument to be traded-in is very old technology, very heavy, very slow, and is not upgradeable.

The Engineering Department in the last four months did some extensive investigating as to the different brands of Total Stations and GPS units. After studying the literature and web pages for numerous brands we have determined

that Trimble and Leica are the best candidates. The next step we had the companies come to our site and demonstrate their GPS units and Total Stations. While receiving the demonstrations on the Trimble and Leica products we were informed that the pricing is all Federal Standard to the City of Troy. This means that this is the lowest price available and that it does not make a difference where we purchase the units.

In our demos we found the Trimble Total Stations to have a few advantages over the Leica Total Station.

- The Trimble instrument out performed the Leica instrument in its Auto Tracking Technology. The four speed servo motors can track the prism with impressive speed and accuracy. This can be attributed to its "Active Remote Measuring Target" technology unique to Trimble instruments.
- Next, the Trimble instrument is designed to work directly with our current TSC1 data collectors, while the Leica instrument is designed to work with its onboard data collection and PCMCIA data storage system. The TSC1 data collector is a far superior data collection system in its LCD display size, keyboard size, functionality, and durability.
- In addition, the Trimble instrument is easily upgradeable to a fully robotic instrument which is designed to work with our current TSC1 data collectors with the addition of a radio link. The Leica instrument is also upgradeable to a fully robotic instrument, however the Leica robotic instrument is not compatible with our current TSC1 data collectors.
- The Trimble instrument is the only instrument on the market that operates on a 12 volt system. All others require a converter to operate off a 12 volt battery.
- Finally, the Trimble instrument with the trade-in is priced at \$16,985, which is \$5,281.80 less than the equivalent Leica instrument.

In our demos we found that the Trimble and Leica GPS equipment was very comparable to one another. Again, we found a few advantages in the Trimble equipment over the Leica equipment.

- Just as with the Total Stations, the Trimble GPS system is designed around the use of our current TSC1 data collectors which are one of the best on the market.
- Next, the Trimble GPS system uses internal radios and with the trade-in allows us to keep our two existing Pacific Crest external radios. This will allow us to use these external radios as repeaters which will enable us to work in the difficult areas of the city where receiving a radio signal from our base radio is not possible, such as, the northwest corner of the city and various low lying areas. This in it's self is a savings of about \$5,000.
- Another advantage in the Trimble GPS equipment is that because the new receivers are operated with our current TSC1 data collectors, there is a very small learning curve in upgrading to the 5700 receivers since the current staff has been using these collectors for the past three years.

- In addition, upgrading to the Trimble 5700 GPS receivers would maintain consistency in that our base receiver is a Trimble receiver and the support for all receivers would come from the same source.
- Finally, the price of upgrading to the Trimble 5700 GPS receivers is \$28,161.00 which is \$239.00 less than the Leica GPS receivers.

With regard to authorized Trimble dealers in Michigan there are only two. Michigan Surveyors Supply, Lansing, Mi (Sells Trimble Total Stations and GPS units) and G. Lengemann Co. Niles, Mi. (sells only Trimble GPS units).

- We would like to purchase the Total Station from Michigan Surveyors Supply because they are the only authorized dealer and have the background knowledge with the Total Station.
- We would like to purchase the GPS unit from G. Lengemann Co. because they have the most knowledgeable personnel for the GPS unit as we have experienced with our demo of GPS units.

In conclusion, from the research, demos, and analysis that was conducted in comparing the Leica Total Station to the Trimble Total Station and the Leica GPS Receivers to the Trimble GPS Receivers it is our recommendation to purchase one Trimble 5603 Autolock W/Direct Reflex EDM Total Station System from Michigan Surveyors Supply, Lansing, MI. for \$16,985.00 and purchase two Trimble 5700 GPS Receivers from G. Lengemann Co., Niles, MI. for \$28,161.00.

BUDGET:

Funds have been budgeted in the Engineering Department Equipment General Account 401444.7975.010 for this purchase.

November 27, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Doug Smith, Real Estate and Development Director

SUBJECT: RFP for Economic Feasibility for a Conference Center
and Related Elements for the Civic Center Site

Attached is the executive summary of the Request for Proposal (RFP) for an Economic Feasibility Study of the conference center and related elements on the Civic Center site. Four firms received the request and three proposals were submitted. One recipient, Acquest Inc. indicated they wanted to reserve the right to fully participate in all aspects of the project and so respectfully declined to participate.

Four senior staff independently reviewed the proposals scoring each on experience, credentials, completeness, understanding of scope and cost. One firm was selected first by three of the four reviewers and received the most overall points. After some discussion there was unanimous recommendation based on all factors considered. The recommendation and proposal submitted by Hospitality Advisors of Ann Arbor was then reviewed by the City Manager and City Attorney. The proposal was priced at \$25,000 - \$28,000 plus expenses. This was the second lowest bid, however the selected proposal displayed more understanding of the scope of the project than all of the other proposals, and provided greater depth in their proposal regarding all aspects of the RFP.

Attached is the proposal from Hospitality Advisor Consulting Group. Also attached are the other two proposals from Spencer Group and Hotel Investment Services, Inc.

DS/pg

REQUEST FOR PROPOSAL
ECONOMIC FEASIBILITY FOR TROY CONFERENCE CENTER
October 18, 2001

The Troy City Council, on August 22, 2001, selected three elements for the continued development of the Civic Center site. Those elements included a conference center, required hotel expansion and possible residential development.

On October 22, 2001, Council approved the issuance of a Request for Proposal (RFP) for an economic feasibility study for a conference center/hotel and possible residential project. The RFP seeks an organization with background in conference/convention facilities and hotel expertise to provide the following economic feasibility study:

Determine the market viability of a 125,000 square foot conference center on Troy's civic center site at Big Beaver and I-75. This facility's target audience should be State and regional association business. All appropriate uses of this size and type of facility should be clearly defined, and the complete economic analysis of the costs of construction and operation of such a center is to be provided. If a facility with these characteristics is not appropriate or viable for this particular site, then a recommendation of the appropriate size and type should be identified.

This study must:

- 1) Provide a complete market viability and economic feasibility study for the construction and operation of a conference center on the Troy civic center site.
- 2) Provide an economic analysis of a community performing arts theater seating 700 to 1200. This theater could be included in or attached to the conference center.
- 3) Review the March, 2001 Metropolitan Detroit Regional Convention Facility Strategy Study.*
- 4) Review the independent traffic study for this area that was conducted by Hubbell, Roth and Clark, Inc. for the City of Troy in April, 2000.*
- 5) Identify any additional hotel rooms required on site or nearby for the conference center.
- 6) Identify all costs of the facility, including infrastructure and parking requirements. Sources of financing (public vs. private) for each of the components of the conference center need to be addressed, with the goal of the public's participation being in the construction phase and not long-term operations.
- 7) Determine if mid- or high-rise residential is necessary to make the overall development profitable.
- 8) Identify the economic impact for Troy government (tax base), hotels and businesses from this type of conference center.

This Request for Proposal is being sent to four groups:

- 1) Hotel Investment Services (HIS), Troy, Michigan
- 2) The Spencer Group, Plymouth, Michigan
- 3) Hospitality Advisors, Ann Arbor, Michigan
- 4) Acquest Realty Advisors, Inc., Bloomfield Hills, Michigan

The timeline for this RFP is:

October 26, 2001	–	Release of RFP
November 15, 2001	–	Return of Proposals
November 21, 2001	–	Award of Contract
January 25, 2002	–	Completion of Study

The short timeframes assume that with the recent study by S.C. Johnson Consulting Inc. for the entire Detroit metropolitan area, and the expertise that each of these companies has in conferencing, convention and tourism in the southeastern Michigan area, a thorough economic feasibility and market viability study can be accomplished in this timeframe.

*available for review through Real Estate and Development Dept., City of Troy



HOSPITALITY ADVISORS CONSULTING GROUP

OFFICES IN DETROIT AND MINN

Affiliated with Allen & Associates Appraisal Group Inc.

November 14, 2001

Ms. Tonni Bartholomew
City Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Dear Ms. Bartholomew,

We appreciate the opportunity to present a proposal to perform various consulting assignments with regard to a proposed conference center facility to be built in Troy, Michigan. I believe that our intimate knowledge of and decades long presence in Southeastern Michigan coupled with our nationwide experience makes us uniquely qualified to conduct an analysis for this proposed facility. Hospitality Advisors does not have interest in the development, ownership, or management of the facility, and will act as a third-party independent consultant for the City of Troy in the analysis of this venture, available to work with you in negotiations with potential developers and/or operators.

PURPOSE AND SCOPE

The City of Troy has experienced rapid growth over the last two decades; however, due to the nature of that growth, no discernable focal point has developed as a downtown area. It is our understanding that it is the desire of the City leaders to develop such an area utilizing land available near the intersection of I-75 and Big Beaver Road and proximate to the former Troy High School, which has been redeveloped into a Community Center and the current City Hall. It is our understanding that the City of Troy wishes to determine the viability of a $\pm 125,000$ square foot conference center to be built as part of this proposed Civic Center site.

Accordingly, the City has participated in having a regional conference center needs analysis performed by C.H. Johnson Consulting, Inc.. The City would now like to have that study validated and have confirmation of the appropriateness of such a facility to be developed to serve the meeting and events demand available in the market. Based upon the available information,

you would like us to develop various recommendations as to the size and make up of the facility and to provide feedback on the financial projections for the proposed conference center in order to determine its ability to sustain itself operationally. You would also like an analysis as to the anticipated economic impact on the City of Troy.

In addition to the market analysis for a proposed conference center, the City of Troy would like an analysis of ancillary developments within the Civic Center including a community performing arts theater, additional hotel rooms, residential developments, and adequate parking.

APPROACH AND METHODOLOGY

To accomplish these objectives, the approach and methodology of our study will include, but will not necessarily be limited to, the following:

Phase I - CONFERENCE CENTER ANALYSIS

Understanding of the Project

- Our first order of business would be to meet with members and administrators of the Troy City Council in order to gain input and insight as to the collective objectives of the project. We would conduct group and individual meetings as deemed necessary in order to gain clear direction from the leadership group and to gain from their insight.
- A "Detroit Regional Convention Facility Strategy Study" was recently conducted for the Detroit Metro Convention and Visitors Bureau (DMCVB) which provides various conclusions as to the regional meetings market, including the Troy area. We would evaluate the information contained in this report and focus on the component applicable to the Troy market. A portion of the data utilized in this report was originally provided by Hospitality Advisors.
- We will also review the independent traffic analysis performed in April 2000 by Hubbell, Roth, and Clark, Inc. and reference the information therein as it relates to the ability of local thoroughfares to service the proposed facilities.

Review of Existing Study

Hospitality Advisors will review the existing feasibility analysis performed by C.H. Johnson Consulting, Inc. and Conventional Wisdom Corp. and perform the following analyses:

- A review of the credibility of primary research utilized in the study. This will entail discussions with, among others, the Detroit Metro Convention and Visitors Bureau, the City of Troy, and the authors of the above mentioned report.
- An internal analysis as to the reliability of the findings from that report, including utilization, revenues and expenses, construction costs, etc.
- Feedback from Hospitality Advisors as to the overall plan detailed in the report, including scope of the project, time frame, facility layout, etc. Our comments will be outlined in the final report.

Economic and Fiscal Impact

- Based on the examination of operating and construction costs, a cost-impact evaluation will be performed to estimate the economic benefits resulting from construction and operations of the proposed facility in the stabilized year. Economic impacts (direct and indirect) and fiscal benefits will be estimated for the proposed development scenario, as follows:
 - Direct income from facility spending (salaries, supplies, etc.) and delegate spending.
 - Income to the City, County, and State Governments from:
 - Sales taxes
 - Property taxes
 - Hotel/motel taxes
 - Other sources
- Hospitality Advisors will use current IACVB delegate spending surveys as well as our knowledge of local spending habits for input to this task. Various direct expenditure estimates will be input to a computer model which will compute the impacts (sales,

employment, payroll, etc.) at the County and State levels.

PHASE II - ANCILLARY ANALYSES

Hotel Needs Analysis

- The ability of the local hotel inventory to service the proposed conference facility is integral to its overall success and the success of the City of Troy's long-term development plan. Hospitality Advisors will, as a part of the proposed market viability and economic feasibility analysis, perform an analysis of the need for additional hotel inventory either within the conference center, adjacent to it, or as an addition to an existing hotel. To this end, Hospitality Advisors maintains the largest database in existence on operating statistics for the Michigan Lodging industry, and has information relating to Troy and surrounding areas dating back two decades.

Economic Analysis of a Community Performing Arts Theater

- In addition to the proposed conference center, a 700-1,200 seat community performing arts center is also proposed for the Civic Center site. Hospitality Advisors will perform an economic analysis of the proposed performing arts center with regard to the market demand for such as a facility and the current supply of similar venues in and around Metropolitan Detroit.
- As with the conference center analysis, we will review the following factors relating to the proposed performing arts center:

Viability of the proposed subject site for this type of development

Nature of the community and surrounding area

Potentially competitive venues

Additional support facilities

Transportation patterns

Identification of Financing Sources

- Hospitality Advisors, through its normal course of business, maintains contact with numerous lenders and lending sources throughout the United States. We will address various potential sources of financing, including public sources, which will provide the City of Troy with options from which to choose with regard to the financing of the proposed project.

Analysis of Real Estate Issues

- Throughout the course of our analyses, we will be cognizant of and alert to the various real estate issues regarding a development such as the one proposed. Included in this analysis will be:

Construction Cost Analysis- Hospitality Advisors will prepare an overview of estimated costs to develop a conferencing facility of the type and style of the proposed subject property, including construction estimates and related soft costs.

Residential Analysis- If necessary, Hospitality Advisors will perform an analysis of the mid-rise and high-rise residential markets in Troy and surrounding areas to determine whether or not these types of developments will be necessary to ensure the profitability of the overall project.

Development Issues- Other issues related to the development, including parking regulations, will be researched and implemented into our analysis, where applicable.

LIMITATIONS OF OUR ENGAGEMENT

Our report will not ascertain the legal and regulatory requirements applicable to the property, including state and local government regulations, permits and licenses. No effort will be made to determine the possible effect on the proposed project of present or future federal, state or local legislation or any environmental or ecological matters. Our report will contain a statement to that effect.

The results of our analyses will be based on estimates, assumptions and other information, developed from research of the markets, knowledge of the industry and other factors, including certain information that you may provide. The sources of information and bases of significant estimates and assumptions will be stated in our report. Some assumptions inevitably will not materialize, and unanticipated events and circumstances may occur; therefore, actual results achieved during the period covered by our prospective financial analyses may vary from those described in our report, and the variations may be material. Our report will contain a statement to that effect.

Further, though we will not be responsible for future marketing efforts and other management actions upon which actual results will depend, and we will so state in our reports, we would be available to oversee the selected management company for the City on an on-going basis. Our report and the prospective financial analysis included therein will be intended solely for your information and for submission to prospective management organizations and financing institutions and should not be relied upon for any other purpose.

Our report will contain a statement to that effect. Otherwise, neither our report nor its contents, nor any reference to our firm, may be included or quoted in any offering circular or registration statement, prospectus, sales brochure, loan, appraisal or other agreement or document without our prior written consent.

TIME FRAME AND FEES

On the basis of the scope of the work outlined herein and our experience with similar projects, we estimate that it will take approximately 6-8 weeks to complete the analyses from the date we begin field research.

The scope of the engagement and our experience with similar services indicate that **our professional fees for the services as described above, will be \$25,000-\$28,000.** These professional fees are based upon time required at our appropriate billing rates.

Travel and other out-of-pocket expenses are not included in this estimate and will be billed for in addition to professional fees as incurred. Typically, these fees do not exceed 5.0 percent of the professional fees. The fees indicated in this proposal are valid for a period of sixty days from the date of this proposal.

This fee estimate is subject to upward revision if the engagement entails more time than estimated, or if problems are encountered that are unforeseeable at the commencement of the engagement. In this event, we will discuss the matter with you so that a mutually acceptable revision may be made. If the time spent on this engagement is substantially less than we have estimated, we will bill you a lesser amount. This estimate contemplates two client meetings. If additional meetings are required, they will be billed for at the standard hourly rates of the participants.


Billing will be on a bi-weekly basis. The invoices are payable upon receipt. In accordance with our Firm's policy, **a retainer for the feasibility study in the amount of \$15,000**, which will be applied to our final billing, is payable upon acceptance of this proposal. The project will be scheduled only upon the receipt of this retainer. All invoices must be paid prior to release of the final report. Our engagement will proceed in a phased manner, with updates regarding our findings made regularly. If the decision is made to discontinue our services after any phase, our fee will be based upon the time expended and out-of-pocket costs incurred to that date.

ACCEPTANCE PROCEDURES

We appreciate the opportunity to present this proposal to you. Please contact us if there are any questions regarding its contents.

To indicate your acceptance of this proposal, please sign this proposal and return it to Chuck Skelton, along with the retainer, as authorization for us to schedule this assignment and advise you of our starting date.

Very truly yours,
HOSPITALITY ADVISORS CONSULTING GROUP


Charles A. Skelton
President

ACKNOWLEDGEMENT:

By: _____

Date: _____

HOSPITALITY ADVISORS

HOSPITALITY CONSULTING
AND
VALUATION SERVICES

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**QUALIFICATIONS
IN
HOSPITALITY CONSULTING
AND
VALUATION SERVICES**

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HOSPITALITY ADVISORS - CONSULTING GROUP

This Group is headed by Charles A. Skelton. Chuck Skelton was formerly a Senior Principal with Laventhol & Horwath, at that time a firm with the largest hospitality division in the world. He was in charge of their consulting practice in Michigan for eight years, and during that time Chuck became widely recognized as an expert in the hospitality consulting field. Prior to his time at Laventhol, Skelton acquired a broad range of industry experience having spent 20 years in various management positions with such notable organizations as Marriott, Stouffers, and Win Schulers. The hospitality consulting group in Ann Arbor, Michigan, works closely with the Valuation Group on hotel valuations. The Consulting Group maintains an updated database of hotel rates and occupancies in the Midwest. In addition, the Group maintains an association with a dozen former L & H principals now operating as independent hotel consultants located throughout the U.S. This allows the Hospitality Advisors access to vital local market input necessary for hotel valuation.

HOSPITALITY ADVISORS - VALUATION GROUP

This Group is headed by Laurence G. Allen, MAI. Larry Allen was formerly National Director of Appraisal and Valuation Services for BDO Seidman, an international accounting and consulting firm. Prior to this firm, he headed the Michigan appraisal practice for Pannell Kerr Forster. Most of the existing staff of Hospitality Advisors have public accounting firm backgrounds. The valuation group has their main office in Birmingham, Michigan, which is a northern suburb of the City of Detroit. While Hospitality Advisors has been operating since 1990, the individuals have been practicing together since 1988 and Larry Allen has over 25 years appraisal experience. Organizationally, Hospitality Advisors Valuation Group is a division of Allen & Associates Appraisal Group which values commercial property in the midwest.

HOSPITALITY ADVISORS - CONSULTING GROUP

Hospitality Advisors is a unique organization made up of individuals with experience in every aspect of the complex Hospitality Industry. Combined, our professionals have over a thirty years of experience in valuation, operations, market analysis, litigation support, and asset management. Committed to the hospitality industry, Hospitality Advisors brings hands on experience and understanding to all aspects of the business. Some of the specific service areas that we offer include the following:

- **MARKET ANALYSIS** including the identification of the subject hotel's competitive market, analysis of the property's performance versus its market, identification of the subject's position within the competitive market, evaluation of the subject's potential in that market, and estimating future potential operating statistics for the hotel.
- **OPERATIONS CONSULTING** including an evaluation of the present management, review of management and franchise agreements, evaluation of facilities, and development of strategies for re-positioning.
- **VALUATIONS** of hotel and resort properties for financing, litigation, acquisition, and disposition decisions.
- **FEASIBILITY STUDIES** of hotel, resort and conference center properties to determine a project's viability within the market and to secure construction and/or permanent financing.
- **ASSET MANAGEMENT** services including ongoing oversight and evaluation of the operational and financial performance and conformance to the re-positioning and/or management recommendations.
- **LITIGATION SUPPORT** services including research, analysis, and expert testimony on issues relating to the valuation, operation, and management of hotels.
- **COST CONTAINMENT CONSULTING** services include telecommunications consulting, local telephone bill auditing, long distance analysis (1+ and 0+), PBX and/or voice mail equipment procurement and maintenance expense negotiation.
- **INVESTOR SERVICES** through our affiliated company Select Hospitality Brokers, Inc, include property disposition, equity and debt fundraising, and buyer representation.

CHARLES A. SKELTON

Charles Skelton is the President of HOSPITALITY ADVISORS - CONSULTING GROUP. Hospitality Advisors specializes in consulting for the hospitality industry, nationwide.

Mr. Skelton was the former Senior Principal in charge of Leisure Time and Real Estate Advisory Services consulting practices in LAVENTHOL & HORWATH'S Southfield, Michigan office. Mr. Skelton headed this group from 1983 to 1990 and during that time conducted feasibility and market analyses on projects ranging from hotels, resorts and conference centers to multi-family residential to multi-use commercial developments.

Mr. Skelton has been particularly involved in numerous hotel and conference center development projects and has conducted seminars on the topic. He has also conducted strategic planning sessions for commercial corporate real estate groups and participated in several studies having to do with highest and best use of real estate.

Education: BA - Economics, Muskingum College. Specialized education in real estate analysis as required by the American Institute of Certified Public Accountants.

Professional Memberships: Member Michigan Hotel, Motel and Resort Association, Member BOMA, Chairman Ann Arbor Convention and Visitors Bureau 1983, 1984, 1985, 2000 and 2001.

Publications: Publisher of "Hospitality Advisors' Lodging Commentary"

Licensed Real Estate Salesperson, Michigan

LAURENCE G. ALLEN, MAI

Education: Linfield College (B.A. 1972), University of Michigan (MBA 1982). Member: Appraisal Institute (Past President of Michigan Chapter #10), MAI, American Society of Appraisers, ASA, (Past President Detroit Chapter), Institute of Chartered Financial Analysts, CFA, Urban Land Institute, licensed real estate broker in Michigan. Experiences: Hotel valuations in major cities around the country, appraisals for major property tax and condemnation cases in Michigan, bankruptcy experience in Michigan, Connecticut, Ohio, and Texas.

STEPHEN W. SHERF, CPA

Stephen Sherf is President of HOSPITALITY CONSULTING GROUP, an affiliate of HOSPITALITY ADVISORS. Hospitality Advisors specializes in consulting for the hospitality and real estate industry, nationwide.

Mr. Sherf was the former Senior Principal in charge of Leisure Time and Real Estate Advisory Services consulting practices in LAVENTHOL & HORWATH'S Minneapolis, Minnesota office. Pursuant to that, Mr. Sherf was Vice President of Development for a hotel company which operated 13 hotels in the Midwest. He also co-founded MHA Research, which later merged with Marquette Advisors, a nationally recognized real estate appraisal firm with a specialty in hotel and gaming appraisal. Mr. Sherf headed the hospitality consulting group for this company. During his 24 years in the hospitality industry, Mr. Sherf has conducted feasibility and market analyses on projects including hotels, convention centers, casinos, restaurants, and residential developments.

Mr. Sherf has taught seminars for the Minnesota Legal Education Center, Minnesota Institute of Legal Education, and the Minnesota Bankers Association. He has been a guest lecturer at the University of Minnesota Graduate School of Business and at Stout University.

Education: MBA - Finance, Cornell University. BA - Economics, Cornell University. Specialized education in real estate analysis as required by the American Institute of Certified Public Accountants.

Professional Memberships: Board of Directors - Schumacher's New Prague Inn. Planning Commission - City of Minnetrista, Minnesota.

Certified Public Accountant

Licensed Gaming Operator, Colorado

EDWARD P. WALSH

Edward Walsh was a former member of the hospitality consulting staff of Hospitality Valuation Services - Miami. His area of expertise includes market and feasibility analysis, acquisition and financing analysis and hotel appraisal.

This background provides Mr. Walsh with experience in the following areas.

- Assessment of project feasibility and preparation of projections of likely financial performance;
- Hotel market study and appraisal;

- Hotel development and transaction analysis;
- Market re-positioning and franchise affiliation analysis;

Education: MBA - Finance, Eli Broad Graduate School of Management, Michigan State University. BS - Restaurant, Hotel and Institutional Management, Purdue University.

Licensed Real Estate Salesperson, Michigan, New York.

JOSHUA M. SMITH

Prior to joining Hospitality Advisors, Joshua Smith gained experience from such companies as Four Seasons Hotel Company and PKF Investments. His area of expertise includes market and feasibility analysis, and hotel appraisal.

This background provides Mr. Smith with experience in the following areas.

- Assessment of project feasibility and preparation of projections of likely financial performance;
- Hotel market study and appraisal;
- Market re-positioning and franchise affiliation analysis;

Education: BS - The School of Hospitality Business - Eli Broad College of Business, Michigan State University.

VERNON P. BOYAJIAN

Vernon Boyajian has a diverse background in the lodging and food service industries. Mr. Boyajian has held various operational and managerial positions in hotel and restaurant facilities. This experience enables him to contribute an interdisciplinary approach to lodging and food service projects.

Mr. Boyajian's areas of specialization include the following:

- Assessment of project feasibility and preparation of projections of likely financial performance;
- Assessment of and recommendations for the facility best suited to the targeted markets;

- Assistance in training and development for lodging and food service facilities;
- Strategic market planning for lodging and food service facilities;
- Restaurant market and financial analysis and evaluation of restaurant operations.

Education: BA - Hospitality Management, State University of New York-Cobleskill.

JULIE A. CAVANAUGH

Julie Cavanaugh has a diverse background in the lodging and food service industries. Ms. Cavanaugh has held various operational and managerial positions in hotel, restaurant, and institutional facilities. This experience enables her to contribute an interdisciplinary approach to lodging and food service projects.

Ms. Cavanaugh's areas of specialization include the following:

- Assessment of project feasibility and preparation of projections of likely financial performance;
- Assessment of and recommendations for the facility best suited to the targeted markets;
- Assistance in training and development for lodging and food service facilities;
- Strategic market planning for lodging and food service facilities;
- Restaurant market and financial analysis; and
- Evaluation of restaurant operating procedures.

Education: BA - Hotel, Restaurant and Institutional Management, Michigan State University.

Professional Memberships: Past Treasurer, Southeast Michigan Chapter Hospitality Sales and Marketing Association International

HOSPITALITY ADVISORS - VALUATION GROUP

HOSPITALITY ADVISORS - VALUATION GROUP with over 25 years of real estate valuation experience serves many of the nation's most prominent banks, life insurance companies, and pension funds, by providing quality appraisal and consulting services on a timely basis.

Hospitality Advisors has direct local market expertise in the midwest through our offices in Detroit and Ann Arbor. In addition, we have prepared appraisals in over 20 states in the U.S. Among these are:

Alabama	Maine
Arizona	Massachusetts
California	Michigan
Connecticut	New York
Florida	North Carolina
Georgia	North Dakota
Illinois	Ohio
Indiana	Oregon
Iowa	Pennsylvania
Kentucky	Wisconsin

In all instances, Hospitality Advisors uses current valuation techniques to meet the realities and needs of the ever-changing real estate market. Some specific areas of specialization include the following:

- Valuation of income-producing properties including hotels, golf courses, marinas, mixed use properties, apartments, condominiums, resorts, conference centers, and congregate care facilities.
- Highest and Best Use analysis, market analysis, and financial feasibility studies for proposed real estate projects.
- Investment analysis involving acquisitions, divestitures, and other portfolio decisions involving real estate assets.
- Appraisal of portfolios of investment grade real estate for pension funds, trusts, or other institutions.
- Litigation valuations and testimony involving property taxes, condemnation, and bankruptcy issues.
- Analysis using discounted cash flows, discounted sell-out, and both leased fee and fee simple interests.

- Valuations and operations consulting involving hotel and resort properties in the U.S.

Many of our assignments involve multi-property portfolios and are national in scope. Our experience and knowledge in the application of software packages such as Pro-Ject, as well as specialty hotel market analysis software, assures our clients of services responsive to their specific needs.

Alabama

- EconoLodge, Huntsville

Arizona

- Howard Johnson, Flagstaff
- Clarion, Scottsdale
- Days Inn, Phoenix
- Super 8, Phoenix
- Super 8, Tempe

California

- Milner Hotel, Los Angeles

Florida

- Boca Raton Resort and Club, Boca Raton
- Ramada Inn, Boca Raton
- Howard Johnson Pirate's Cove, Daytona Beach
- Fairfield Inn by Marriott, Key West
- Proposed Woodfin Suites, Lake Buena Vista
- Proposed Wellesley Inn, Lakeland
- Paramount Suite Hotel, Marco Island
- Quality Suites-Oceanside, Melbourne
- Turnberry Isle Resort and Club, Miami
- The Crescent Time Share, Miami Beach
- Proposed Hilton Hotel, Naples
- Hyatt Grand Cypress, Orlando
- The Chesterfield Hotel, Palm Beach
- Marriott's Bay Point Resort, Panama City Beach
- Hawaiian Ocean Inn, South Palm Beach
- Days Inn, Starke
- Holiday Inn Sabal Park, Tampa
- Milner Hotel, Tampa
- Holiday Inn-Countryside, Vero Beach
- Holiday Inn-Oceanside, Vero Beach
- Proposed Limited Service Hotel, Vero Beach
- Helen Wilkes Hotel, West Palm Beach

Georgia

- Knights Inn, Atlanta
- Proposed AmeriSuites, Atlanta
- Days Inn, New Brunswick

Indiana

- Holiday Inn, Angola
- Days Inn, Indianapolis
- Hilton Hotel, Indianapolis
- New England Suites, Indianapolis

Illinois

- Hotel 21 East, Chicago
- Proposed Comfort Inn, Chicago
- Proposed Guest Quarters, Chicago
- Tremont Hotel, Chicago
- Whitehall Hotel, Chicago
- Sheraton Hotel, Naperville
- Proposed Country Inn and Suites, Rockford

Iowa

- Days Inn, Des Moines

Kentucky

- Holiday Inn, Corbin
- Knights Inn, Lexington

Maine

- Hampton Inn, South Portland

Maryland

- Paramount Inner Harbor Hotel, Baltimore

Massachusetts

- Marriott Longwharf, Boston
- Milner Hotel, Boston
- Swansea Country Club, Swansea
- Radisson, Woburn

Michigan

- Grand Traverse Resort, Acme
- Best Western Greenfield Inn, Allen Park
- Proposed Holiday Inn-Express, Allen Park
- Hilton Inn, Ann Arbor
- Howard Johnson, Ann Arbor
- Proposed Concord Suites, Ann Arbor
- Residence Inn, Ann Arbor
- Proposed Fairfield Inn by Marriott, Battle Creek
- Bay Valley Resort, Bay City
- Proposed Fairfield Inn by Marriott, Bay City
- Proposed Holiday Inn Express, Bellaire
- Holiday Inn and Conference Center, Big Rapids
- Proposed Fairfield Inn by Marriott, Big Rapids
- Market Street Inn, Birch Run
- Proposed Limited Service Hotel, Birch Run
- Barclay Inn, Birmingham
- Proposed Educational Training Ctr, Birmingham
- The Townsend Hotel, Birmingham
- Proposed Courtyard by Marriott, Brighton
- Proposed Holiday Inn-Express, Brighton

Michigan cont'd

- Proposed Fairfield Inn by Marriott, Cadillac
- Fellows Creek Lodge, Canton
- Sugar Loaf Resort, Cedar
- Proposed Comfort Inn and Conf. Ctr., Chelsea
- Proposed Hotel-Macomb Comm. Coll., Clinton Twp
- Edgewood Country Club, Commerce Township
- Days Inn, Dearborn
- Marriott, Dearborn
- Ritz-Carlton, Dearborn
- Days Inn, Detroit
- Holiday Inn-Fairlane, Detroit
- Hotel St. Regis, Detroit
- Milner Hotel, Detroit
- Proposed International Hotel, Detroit
- Proposed David Whitney Hotel, Detroit
- Proposed Embassy Suites Hotel, Detroit
- Proposed Ferry Street Inn, Detroit
- Proposed Hilton Garden Inn, Detroit
- Proposed Hotel and Conference Center, Detroit
- Proposed Hyatt Regency Hotel, Detroit
- Radisson Pontchartrain, Detroit
- Ramada, Detroit
- Stroh River Place Inn, Detroit
- Westin Renaissance Center, Detroit
- Holiday Inn and Conference Center, East Lansing
- Proposed Hilton Garden Inn, East Lansing
- Holiday Inn, East Tawas
- Proposed Sheraton Suites, Farmington Hills
- Radisson Suites, Farmington Hills
- Proposed Fairfield Inn by Marriott, Fenton
- Hyatt Regency, Flint
- Proposed Holiday Inn, Flint
- Radisson Riverfront Hotel, Flint
- Proposed Fairfield Inn by Marriott, Frankenmuth
- Proposed SpringHill Stes by Marriott, Frankenmuth
- Treetops Sylvan Resort, Gaylord
- Proposed Wingate Inn, Grand Blanc
- Amway Grand Plaza Hotel, Grand Rapids
- Courtyard by Marriott-Downtown, Grand Rapids
- Days Inn-Downtown, Grand Rapids
- Hilton Inn, Grand Rapids
- Holiday Inn-East, Grand Rapids
- Holiday Inn-North, Grand Rapids
- Holiday Inn-South, Grand Rapids
- Proposed Hilton Garden Inn, Grand Rapids
- Proposed New England Suites, Grand Rapids
- Proposed Quality Inn, Grand Rapids
- Radisson Eastbank, Grand Rapids
- Holiday Inn, Hazel Park

Michigan cont'd

- Country Inn by Carlson, Holland
- Holiday Inn, Holland
- Proposed Holland Marriott Hotel, Holland
- Proposed Homewood Suites by Hilton, Holland
- Proposed Red Roof Inn, Jackson
- Clarion Hotel, Kalamazoo
- Hilton, Kalamazoo
- Holiday Inn, Kalamazoo
- Holiday Inn Expressway, Kalamazoo
- Proposed Holiday Inn Conversion, Kalamazoo
- Proposed Holiday Inn Express, Kalamazoo
- Proposed Sleep Inn, Kalamazoo
- Proposed Staybridge Suites Hotel, Kalamazoo
- Ramada Hotel, Kalamazoo
- Quality Suites, Lansing
- Proposed Fairfield Inn by Marriott, Lapeer
- Quality Inn, Lincoln Park
- Holiday Inn, Livonia
- Proposed Best Western, Ludington
- Proposed Waterfront Hotel, Ludington
- Hampton Inn, Madison Heights
- Heritage Hotel, Marquette
- Proposed Hotel at Canadian Lakes, Mecosta
- Ashman Court Hotel and Conf. Center, Midland
- Proposed Fairfield Inn by Marriott, Midland
- Valley Plaza Inn, Midland
- Knights Inn, Monroe
- Best Western, Muskegon
- Hilton Hotel and Convention Center, Muskegon
- Holiday Inn, Muskegon
- Holiday Inn, Niles
- Hampton Inn, Northville
- The Hotel Baronette, Novi
- Proposed Best Western, Novi
- Sheraton Oaks, Novi
- Wyndham Garden Hotel, Novi
- Proposed Hampton Inn and Suites, Okemos
- Proposed Waterfront Hotel, Petoskey
- Comfort Inn, Plainwell
- Matflower Hotel, Plymouth
- Proposed Hotel, Plymouth Township
- Proposed Fairfield Inn by Marriott, Port Huron
- Proposed Holiday Inn-Express, Port Huron
- Thomas Edison Inn, Port Huron
- Proposed Courtyard by Marriott & Conf Ctr, Portage
- Proposed Limited Service Hotel, Richmond
- Hilton Suites, Romulus
- Guest Quarters, Romulus
- Hampton Inn, Romulus

Michigan cont'd

- Holiday Inn Crowne Plaza-Airport, Romulus
- Proposed Hilton Garden Inn-Airport, Romulus
- Quality Inn Airport, Romulus
- Ramada Inn Airport, Romulus
- Signature Inn, Romulus
- RS Eastin Inn, Roseville
- The Georgian Inn, Roseville
- Proposed Hotel & Conference Center., Royal Oak
- Proposed Royal Grand Hotel, Royal Oak
- St. Clair Inn, St. Clair
- Four Points by Sheraton, Saginaw
- Knights Inn, Saginaw
- Old Harbor Inn, South Haven
- Proposed Holiday Inn-Express, South Haven
- Hampton Inn, Southfield
- Michigan Inn, Southfield
- Proposed Ramada Limited Hotel, Southfield
- Radisson Hotel, Southfield
- Proposed Comfort Suites Hotel, Southgate
- Holiday Inn, Spring Lake
- Proposed Limited Service Hotel, Stanton
- Best Western Sterling Inn, Sterling Heights
- Proposed Hampton Inn, Stevensville
- Hampton Inn, Traverse City
- Holiday Inn, Traverse City
- Proposed Cherry Tree Inn on the Beach, Traverse City
- Proposed Courtyard by Marriott, Traverse City
- Drury Inn, Troy
- Proposed Events Facility, Troy
- Proposed Homewood Suites by Hilton, Troy
- Proposed Courtyard by Marriott, Utica
- Days Hotel, Warren
- Hampton Inn, Warren
- Quality Inn, Warren
- Van Dyke Park Hotel and Conf. Ctr., Warren
- Proposed Hampton Inn, Wyoming
- Proposed Huron Shores, Ypsilanti
- Proposed Eastern Michigan Univ. Conf. Ctr, Ypsilanti
- Radisson Golf and Conference Center, Ypsilanti

Minnesota

- Proposed Northwoods Lodge, Eagan
- Proposed Raintree Resort, Eagan
- Proposed Comfort Suites Hotel, Monticello
- Proposed Holiday Inn, Monticello
- Proposed Residence Inn by Marriott, St. Paul

New York

- Hyatt Regency, Buffalo
- Holiday Inn, Cortland
- Comfort Inn, Hornell
- Ramada Inn, Ithaca
- Madison Hotel, New York

North Carolina

- Days Inn-East, Asheville
- Holiday Inn Center City, Charlotte
- Milner Inn, Raleigh

North Dakota

- Kirkwood Inn & Conference Center, Bismark

Ohio

- Residence Inn, Dayton
- Holiday Inn, Lima
- Days Inn, Middletown
- Radisson Hotel, Sandusky
- Marriott Portside, Toledo
- Quality Inn, Wickliffe

Oregon

- Holiday Inn Crowne Plaza, Portland
- Proposed AmeriSuites, Portland

Pennsylvania

- Proposed Limited Service Hotel, Hanover
- Mt. Airy Lodge, Mt. Pocono
- Pocono Gardens Lodge, Mt. Pocono
- Strickland's Mountain Inn, Mt. Pocono
- Residence Inn by Marriott-Airport, Philadelphia

South Carolina

- Proposed Luxury Hotel and Conf. Ctr, Columbia

Tennessee

- Proposed Public Events Center, Franklin
- Proposed Convention Center Hotel, Franklin
- Proposed Elvis Presley's Heartbreak Hotel, Memphis

Texas

- Paramount Hotel, Dallas

Virginia

- Linden Row Inn, Richmond

Washington

- Residence Inn by Marriott, Seattle
- Wyndham Garden Hotel-Airport, Seattle
- Wyndham Garden Hotel-Bothell, Seattle

Wisconsin

- Hotel Fon Du Lac, Fon Du Lac

FINANCIAL INSTITUTIONS

- Bank of Nova Scotia
- Bank One, Columbus
- Barclays Bank
- Chemical Bank
- CIGNA
- Charter One Bank, F.S.B.
- Citicorp Real Estate
- Citizens First Bank
- Comerica Bank
- Crestar Bank
- DBS Bank
- First of America Bank
- First Michigan Bancorp
- First Union National Bank of Florida
- Fleet National Bank
- Ford Motor Credit Corp.
- Glendale Federal
- Great Lakes Bancorp
- Howard Savings Bank
- Huntington Banks of Michigan
- Manufacturers National Bank
- Marine Midland Bank
- Michigan National Bank
- National Bank of Detroit (NBD)
- Old Kent Bank
- Republic Bank
- Sanwa Bank
- Standard Federal Bank
- The Money Store Commercial Lending
- Yasuda Bank and Trust

INSURANCE COMPANIES

- Aetna Real Estate Investments
- Alfa Mutual Life Insurance Company
- Equitable Life Insurance Company
- Fidelity Mutual Life Insurance Company
- Lincoln National Insurance Company
- Prudential Life Insurance Company
- Northwestern Mutual Life Insurance Company

CORPORATE CLIENTS

- Amway Corporation
- Consumers Power Company
- Dominos Pizza, Inc.
- Ferris State University
- Ford Motor Land Development Corp.
- Macomb (MI) Community College
- Melling Tool Company
- Whirlpool Corporation

INVESTMENT ADVISORS

- Capital Realty Services
- CNB Capital, Inc.
- Kidder Peabody
- Nomura Asset Capital Corporation
- Salomon Brothers

HOTEL COMPANIES

- Beacon Hospitality Group
- Buckhead America Corporation
- Choice Hotels
- CMI Corporate
- Compri Hotels/Doubletree
- ClubHouse Inns
- Days Inns of America
- Holiday Corporation
- Hilton Hotels International
- Hyatt Hotels Corporation
- Marriott Corporation
- Omni International
- Prime Hospitality Corporation
- Promus Corporation
- Rafael Hotels, Limited
- Ramada Hotels
- Rank Hotels
- Ritz-Carlton Hotel Company
- Servico
- Westin Hotels and Resorts
- White Lodging Services Corporation
- Wyndham Hotels and Resorts

GOVERNMENTAL ORGANIZATIONS

- Ann Arbor (MI) Convention and Visitors Bureau
- Birmingham (MI) Public Schools
- City of Dearborn, Michigan
- City of Detroit, Michigan
- City of Dowagiac, Michigan
- City of Franklin, Tennessee
- City of Gary, Indiana
- City of Lansing, Michigan
- City of Pontiac, Michigan
- City of Portage, Michigan
- City of Southfield, Michigan
- Detroit Metro Convention and Visitors Bureau
- Grand Rapids (MI) Convention and Visitors Bureau
- Lee County, Florida
- Mackinac Island Commission
- Michigan Dept. of Natural Resources
- Michigan Dept. of the Treasury
- Twenty-Third Judicial Circuit Court of Michigan
- Troy (MI) Chamber of Commerce
- Wayne County, Michigan

November 15, 2001

Mr. Douglas Smith
Real Estate and Development Director
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Re: Consulting Services RFP

Dear Mr. Smith:

The Spencer Group, in association with Impact Hospitality Consulting Inc. (Impact Hospitality), and Orinsby & Co., are pleased to submit this proposal to assist the City of Troy in determining the market viability of a 125,000 square foot conference center on Troy's civic center site at Big Beaver and I-75.

Our Consulting Team has extensive experience on projects that are similar to the scope of work you have described for Troy. Wanda Spencer has over 20 years experience in hospitality consulting and has performed hospitality consulting services primarily in the Michigan market for the last 18 years. Sarah Villeneuve is an industry expert with over 20 years experience in hotel analysis, including numerous conference centers. Susan Miller of Orinsby & Co. has over 25 years of industry expert with extensive background in mixed-use developments especially considering public vs. private financing

Our Consulting Team is highly qualified to perform the services requested in the RFP. We offer the following advantages that distinguish us from our competition.

- We have put together a team with over 60 years of experience of industry experience. The individual team members who will be doing all of the work have expertise individual expertise in these areas to help evaluate your needs based on experience and understand the strategic objectives sought by your community.
- Unlike firms with junior staff, we can assure you of the day-to-day involvement of senior staff in the engagement. Your consulting fees will support our direct work on the project and not the extraordinary overhead of large firms.
- The Consulting Team members are highly qualified. Their experience and skills match the scope of work for which they are responsible.

SPENCER GROUP

EXPERTS IN HOSPITALITY CONSULTING

- We are available to begin work immediately. We commit to delivering the highest quality product within the timeframe that has been specified in the RFP.

If you have any questions about our proposal, please contact us at 734-454-5662. We truly look forward to the opportunity to serve you.

Sincerely,
SPENCER GROUP

WANDA L. SPENCER, ISHC
PRESIDENT

A. TEAM QUALIFICATIONS

Our proposed Consulting Team provides the precise mix of skills and experience needed to perform the services outlined in the RFP. We commit that each member of the Consulting Team will be fully involved in the project and will perform the research and analytical work necessary to complete the project. The day-to-day involvement of senior staff will assure that the work on your project will be of the highest possible quality.

Spencer Group

Wanda Spencer, President of Spencer Group, is a nationally recognized consultant with over eighteen years of experience in the Michigan market and over 20 years in the hospitality industry. Prior to forming the Spencer Group, he was Senior Manager at BDO Seidman and Pannell Kerr Forster where she headed up the Hospitality Consulting Practice. Over the years she has performed hundreds of feasibility analysis for hotels (primarily in Michigan) as well as economic feasibility analysis for various projects throughout the State of Michigan.

Impact Hospitality

- **Sarah Villeneuve**, President of Impact Hospitality, is a veteran consultant with over 20 years of consulting and operations experience. She is a former Senior Manager at Pannell Kerr Forster, is an expert in hotel valuation, feasibility and market analysis. She recently completed a feasibility study for the University of Chicago for a proposed conference facility to be located on the Campus. Prior recent projects included an analysis of a prospective headquarters hotel in Charlotte, North Carolina, as well as a prospective hotel development across from the Mark of the Quad Cities arena in Moline, Illinois. She developed financial projections for the proposed headquarters hotel property in Wausau, Wisconsin and performed feasibility analysis for a Comfort Suites property in Portage, Wisconsin.

Orinsby & Co.

- **Susan Miller**, President of Orinsby & Co., is a nationally recognized consultant with over 25 years experience in the hospitality industry and has extensive background in hotel as well as residential consulting. Prior to forming Orinsby & Co. she was a principal for the accounting firm Pannell

Kerr Forster, where she headed up the Cleveland Real Estate practice. She has conducted numerous real estate market demand studies including economic analysis and market study of the lower Euclid Avenue corridor for Downtown Development Corporation, the revitalization study of E. 105th Street, the planning study and economic/market study for Noble Road in Cleveland Heights and the City of East Cleveland for the administration of both Cities, the Strategic Development Plan for the City of Lakewood, and a financial/investment analysis with financing/deal structuring consulting for the Midtown Church Square retail and housing development in Cleveland.

B. Proposed Scope of Work

The Consulting Team will perform the following work. We will add or delete work as determined by the City of Troy and its advisors to reflect roles that are being performed by other team members that may participate now or at a later date.

Phase 1 Conference Center and Hotel Feasibility Analysis

The conference center analysis will identify the current and anticipated operating environment for a 125,000 square foot conference center in Troy. The Consulting Team proposes to perform the conference center analysis as follows.

Methodology

- Review and use, to the maximum extent possible, information from prior convention center studies and research reports performed in the market. In particular review the March, 2001 Metropolitan Detroit Regional Convention Facility Strategy Study.
- Review the independent traffic study for the Troy area that was conducted by Hubbel, Roth and Clark, Inc. for the City of Troy in April, 2000.
- Obtain a list of associations and groups currently utilizing conference facilities within the Midwest region, particularly Michigan groups and associations.
- Draft a survey instrument to be used in quantifying demand and potential utilization and review the draft with you.

- We will draft a cover letter over your signature, requesting cooperation in the research and ask that you send that letter to all potential respondents, informing them of the study and telling to expect to receive a questionnaire in the following week. We will then mail the questionnaires to all potential respondents. Follow up telephone calls will be made by us to encourage responses by a stated deadline. The surveys will inform the respondents that we may want to follow up with them by phone on any questions. Therefore, the survey will consist of a combination of written responses to questions and follow-up telephone calls to most respondents probing on issues such as attitudes toward and potential utilization of the proposed facility.
- We will provide you with tabulations and interpretations of the survey of potential users. The results will be used in preparing the facilities recommendations and estimates of operating results described below.
- In the primary research, we will inquire as to which existing conference and meeting facilities are serving the needs of the potential group and association users. We will visit each of the identified competitive lodging and conference facilities, and summarize information including location, ownership, management, chain affiliation, size, age, market mix, current rental rates, food and beverage facilities, meeting space, and special attributes of each competitive property. We will also disclose any relevant future additions to the lodging and conference center supply of which we become aware during our fieldwork.
- Meet with representatives of the City of Troy and local hotel property managers.
- Develop a comprehensive list of all hotel projects currently under consideration and indicate the status of those projects using published reports, developer contacts, and other available sources of information.
- Review headquarters and total hotel supply situations for Troy's competitor cities and map their competitive hotel offerings and plans for future hotel developments.
- Analyze historical trends in the hotel market including the number of rooms, occupancy rates, and ADR.
- Identify a set of competitive facilities in the market and analyze occupancy, ADR's, and REVPAR for this competitive set.
- Analyze the seasonality of demand for the competitive set.

- Analyze demand by market segment and specifically assess the impact of group demand from the conference center.
- Obtain market and financial data from CVB records and Smith Travel Research on a competitive set of hotel properties.
- Develop a pro forma operating statement for the first ten years of operation based on demand projections and a ratio analysis of revenue and expenses.
- Based on the projected net operating income of the property for the first ten years of operation and an assumed capitalization rate after ten years of operation, estimate the net present value of the property.
- Work with a contractor who is familiar with hotel development and local market conditions to develop reasonable assumptions regarding the construction cost and timing of the proposed hotel. Summarize the capital costs of the facilities (exclusive of land costs) using the per room development costs of comparable hotel developments and contractor support.
- Work with client representatives and the city's financial advisor to summarize project development costs.

Phase 2 Performing Arts Theater Economic Analysis

The performing arts theater economic analysis will include an in-depth review of comparable performing arts theaters and will identify competing facilities throughout southeast Michigan. Performing arts theaters typically operate at a loss. The analysis will determine the operating loss level that might be expected for the theater the City of Troy proposes to build. The Consulting Team proposes the following work plan:

- Identify comparable performing arts theaters in southeast Michigan.
- Conduct in-depth interviews with management of comparable theaters to determine user profiles, usage levels, usage patterns, revenue sources and related expenses.
- Review the operating histories of the comparable performing arts theaters
- Analyze function space configuration, types of space, mix, and components of existing comparable facilities
- Identify the likely user profile for the proposed Troy theater.
- Using comparable theaters as a basis, determine an appropriate mix and size of facilities that should be included in the development of the proposed Troy theater.
- Based on the experience of the existing theaters, perform analysis to determine potential usage levels.

- Determine potential annual revenue and expenses for proposed theater.

Determine potential operating loss that might be expected for the proposed theater for the first 10 years of operation

Phase 3 Mid or High-Rise Residential Feasibility Analysis

The study would be concerned with the determination of past, current, and potential future demand for (mid or high-rise) housing in the subject market area, population and development trends, demographics, characteristics of the primary trade area, the assessment of existing and potential future competitive supply, the share of market that could be reasonably be attained by the proposed development, and pricing stratification. The Consulting Team proposes to perform the residential analysis as follows.

Methodology

- We would evaluate the following factors regarding the proposed site and utilize our findings and conclusions in the preparation of our evaluations: Image of location, proximity to area amenities and services, access to and from principal demand generators, aesthetic qualities of site, advantages/disadvantages of site versus major competitors, population and household growth trends, income and age characteristics and trends, and employment characteristics and trends, housing characteristics.
- In addition to the above, development trends would be analyzed via the following: Building permits in subject market area, major projects in process, and major projects planned for future development. We would examine potential correlations between each of these key factors and the demand for residential units and would utilize any available forecast to these indicators in our evaluation of potential future demand.
- The competition within the subject market area would be researched and delineated by project, and would include the following factors: Location, age, number of units planned/phases, number of existing /mix, unit size, unit price/price per square foot, absorption rate over previous 12 months, inventory of unsold and under construction units, inventory of vacant rental units, proposed projects and amenities. In addition, a survey of key demand generators, inspection of competition and discussions with persons familiar with the local housing market would be conducted.

- On the basis of the foregoing, we would prepare estimates of future growth for, and the supply of, competitive developments. Using the information gathered in our research, we would estimate growth rates and project demand trends, expressed in terms of absorption rates.
- The next step is a quantitative and qualitative assessment of the competitive supply in the market area. Using our fieldwork as a basis, we would first define primary and secondary competition to the proposed project on a qualitative basis. We would then present a synopsis of historical growth in the competitive supply for each of the two categories. Any future additions to the supply would be estimated, using information we gather in our market research.
- Upon completion of the estimate of market area supply and demand for the future, we then estimate the share of the market in which the proposed project could reasonably be expected to capture. This is a qualitative assessment based on evaluation of attributes of the proposed project in relation to competition in terms of location, quality or features and amenities, prices, and other similar factors.
- Develop a pro forma operating statement for the first ten years of operation based on demand projections and a rational analysis of revenue and expenses.

Phase 4 Financing, Implementation and Management Strategies

Based upon projections of performance of the conference center, performing arts center and residential as set forth by our analysis, resulting financial analysis will be prepared for the potential uses. Based on estimated costs as provided by an independent architects/planners, a preliminary feasibility analysis will be conducted as appropriate. We will conduct this analysis for the purpose of identifying any potential financing gaps.

Deliverable Products

- Projections of future hotel market growth.
- Projections of future conference center growth.
- Discussion and recommendations for the proposed conference center.

- Recommended strategy regarding whether to build additional hotel rooms is necessary and what the best location for those additional rooms.
- A pro forma operating statement for recommended conference center.
- A report that documents the market and feasibility study analysis of the operations of a proposed conference center, performing arts center and residential component, setting the stage for the business-planning phase of work.
- Presentation of and workshops regarding the results to client representatives.
- A feasibility "gap" analysis showing the potential public subsidy needed to complete the project.

Phase 2 Business Plan Development

At the completion of the above analysis, the City of Troy will be in a position to make baseline policy decisions about sites, phasing, willingness, and commitment to address funding gaps, with specific sources of revenue. It will be the Consulting Team's role to work with the City of Troy on this decision-making and policy development process.

The work will involve the following:

- Review the Consulting Team's report, discussing the market and financial situation in Troy in comparison to other markets.
- Impact of the Conference Center on other Troy hotels in the short- and long-term.
- Develop a debt service schedule for a hypothetical hotel and define loan or bond coverage requirement assumptions.
- Discussion of the funding gap and convention center pros and cons, under a "full build" and phased approach.
- Site options.
- Gap funding options.
- Use of 63-20 financing and issues pertaining to public ownership.
- Use of alternate public financing methods to induce the hotel project.

Our experience has shown that working through the above issues takes several iterations and is often performed in conjunction with staff and a committee of

some form. After the City of Troy's staff and the committee work through the issues with the Consulting Team, a consensus recommendation will be developed.

Once the consensus development process is completed, the Consulting Team is often retained to provide additional services, which can include the following services.

OPTIONAL SCOPE:

Request for Qualifications Development and Solicitation

The Consulting Team will update its hotel developer and hotel chain mailing lists and request for qualifications (RFQ) document. If deemed necessary, a request for proposal documents (RFP) will also be developed.

Upon completion of this workshop, the Consulting Team will issue a final draft report, in anticipation of a final review and update, near the issuance of the preliminary offering statement. We will also assist, as necessary, in the development of the project. The Consulting Team will also develop an advertising schedule for the solicitation and will develop a project Website to assist in the dissemination of the RFQ, addenda, and City of Troy and project-related materials.

The Consulting Team will then work with the client representatives to conduct a solicitation process, envisioned as follows:

- Disseminate RFQ.
- Obtain and analyze responses.
- Review analyzed responses with Client representatives.
- Short-list and rank based on RFQ response.
- Commence negotiations, or proceed to RFP, eliciting more detail on project specifics and deal terms.

Deliverable Products

- Draft RFQ & RFP materials.

- Mailing list.
- Web materials.
- Solicitation schedule.
- Participate in RFQ response review.
- Draft RFQ responses report.

Client Responsibilities

- Review draft RFQ and RFP materials.
- Review existing Web resources and determine the best site development strategy.
- RFQ response review.
- Determine if a second-stage RFP is required, or if sufficient basis exists to rank responses and proceed with negotiations.

NEGOTIATE WITH POTENTIAL HOTEL DEVELOPERS

- Upon approval of a ranking of developers, client representatives, supported by legal, financial advisors, and consulting team members, would proceed to negotiate development and operating agreements with the top-ranked development team. If negotiations with the top-ranked development team fail, the Client representatives would have the option to begin negotiations with the second-ranked team. The negotiations would culminate in a set of agreements to be submitted for approval.
- Subsequently, Client representatives would approve such agreements and implement the project according to the methods and procedures contained in the agreements.
- If a 6320 financing approach is used, bond counsel and the client representatives' financial advisor will require an additional body of work. The Consulting Team will have a supporting role in this work.

D. SCHEDULE AND COST

Our team is flexible on its approach and we are prepared to modify our scope of work accordingly. We have provided a work plan that we have used successfully in the past. At the conclusion of each phase of work, we will meet with client representatives to ensure that our work is proceeding appropriately and then make required adjustments. In projects such as this, there is a sequential building of data, market recommendations, planning and cost data, and financing analysis. We will adapt our scope of work to meet your planning and budget parameters.

The following chart breaks down the project cost by task. Total fees for the assignment are \$105,500.

The following is a breakdown of fees by phase.

Phase I - Conference Center and Hotel Feasibility	\$50,500
Phase II- Performing Arts Center Economic Analysis	\$10,000
Phase III- Residential Analysis	\$15,000
Phase IV- Cost Analysis, Financing & Economic Impact	\$30,000

Expenses will not exceed \$5,000 and includes clerical and administrative services such as word processing, report reproduction, telephone and messenger service, and travel and lodging. We will submit progress bills at monthly intervals during the engagement.

Our estimated fees are based on the previously detailed scope of work. Should you determine that changes to the scope of work are necessary, our fees will be adjusted accordingly. We are prepared to commence work at your request and will complete the project in the time frame stated in this proposal.

ECONOMIC FEASIBILITY
FOR
TROY CONFERENCE CENTER



Prepared By:

Hotel Investment Services, Inc.

November 14, 2001

HOTEL INVESTMENT SERVICES, INC.

Management, Consulting and Investment Analysis

Suite 203

275 East Big Beaver Road

Troy, Michigan 48083

November 11, 2001

Telephone (248) 689-4110

Telecopier (248) 689-2629

e-mail his@wwnet.net

Ms. Tonni Bartholomew, City Clerk
City of Troy Municipal Offices
500 West Big Beaver
Troy, MI 48084

Re: RFP – Economic Feasibility for Troy Conference Center

Dear Ms. Bartholomew,

Hotel Investment Services (HIS) is pleased to provide this proposal for your consideration. We hope we have provided enough reference material to create an understanding of our experience and knowledge as it relates to investigating and researching the appropriate data needed meet the above request.

Our list of current projects and past clients has provided us the opportunities to completely understand several different markets across the metropolitan Detroit area. We have a thorough and strong understanding of finance, research, development, marketing and operations. Our expertise and database is vast and we excel at determining “best use” for potential sites and what markets will best serve them.

HIS is uniquely qualified to do this study as we currently operate similar type projects. As a management company that provides consulting services, we have a real world understanding of identifying the elements that make for successful operations. We will determine the market viability of a 125,000 square foot conference center on Troy’s civic center site. The research collected and analyzed by HIS will offer the city recommendations to consider for the best use of this project. Our services will include the following:

- I. Complete market viability and economic feasibility study for the stated project, including examination of all potential end users such as associations, amateur sports, corporations, social, consumer shows, trade shows, and conventions.
- II. Provide an economic analysis for performing arts theater seating 700 to 1200.
- III. Review C.H. Johnson’s March 2001 Metropolitan Detroit Regional Convention Facility Strategy Study.
- IV. Review Hubbell, Roth and Clark’s April 2000 independent traffic study.

- V. Determine necessity of new hotel development.
- VI. Identify all costs of the facility, including infrastructure and parking requirements. Sources of financing (public vs. private) for each of the conference center components will be addressed; noting the goal of the public's participation being in the construction phase and not long-term operations.
- VII. Determine the necessity of mid- or high-rise residential, vis a vis overall project profitability.
- VIII. Identify the economic impact for Troy government (tax base), hotels and businesses from this type of conference.
- IX. Site visit to review the access, visibility, utilities, applicable regulations, transportation, etc.
- X. Market Analysis to include property strengths and weaknesses, competition profiles, demand generators, current demand activity, unaccommodated demand and interviews with the demand generators.
- XI. From the above, we would determine if necessary an analysis of market share, occupancy, average daily rate, amenity levels, potential franchise affiliations, food & beverage outlets, entertainment, conference & banquet space, etc.
- XII. Feasibility project will include revenue forecasts and its associated expenses broken down by department, by line item, by month, to determine the cash flow available for debt service and return on equity, taking into consideration such items as capital improvements, reserve for replacements, etc. This study will also reflect the current market value, potential market value and likely outcomes.
- XIII. Investment strategy/ownership structure recommendations will be made to determine how the debt/equity should be organized, given arms-length ownership interests.
- XIV. Periodic progress updates will be provided as requested.

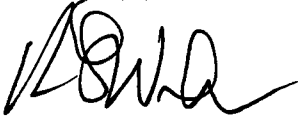
In completing this feasibility/proforma package, it would be a suitable document that both equity and debt sources could rely upon for a reasonable estimation of financial viability and potential. It will show projected revenue and expenses, return on investment, cash flows, and IRR calculations.

Tonni Bartholomew
11/14/01
Page 3

The cost for the feasibility and proforma analysis will be \$22,500 inclusive of research and related expenses including local travel, telephone and entertainment. Any travel outside of southeast Michigan will be reimbursable and pre-approved. The completion date of this assignment is January 25, 2002.

Thank you again for the opportunity to be included in this bid process. The HIS staff and myself look forward to working with the City of Troy on this project.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Ron Wilson', written over a horizontal line.

Ron Wilson, CHA
President

Table of Contents

- I. Hotel Investment Services Recent Projects**
- II. Hotel Investment Services Company Profile**
- III. Certificate of Insurance**
- IV. CV of Ron Wilson, President of HIS**

Hotel Investment Services Recent Projects

St. John's Golf & Conference Center

44045 Five Mile Road
Plymouth, MI 48170

Hotel Investment Services was hired by the Archdiocese of Detroit to determine the "best use" for their seminary built in 1948 and most recently defunct since 1988. After completing the feasibility and proforma work on this \$60 million, 300,000 square feet, and 200-acre development, HIS recommended that the seminary be converted into a banquet and conference center. HIS was then hired to manage all aspects of the seminary renovation including interior and exterior design development, golf course reconstruction, managing Carl's Golf land lease, and overall day to day operation of entire facility. Our findings also determined that a hotel built adjacent to the center will support itself and bring substantial revenues to our client. HIS has been managing this conference center since architectural drawings were developed. The grand opening took place October 2000.

Novi Expo Center

43700 Expo Center Drive, Suite 101
Novi, MI 48375

This year HIS was hired by the Novi Expo Center to determine whether a hotel should be built as a part of their new 325,000 square foot conference and exhibition center. Our analysis included a market and economic overview, investment considerations, franchise recommendation, demand generator interviews, competitive analysis, and financial analysis including five-year summary and detail proformas.

Bay City Doubletree Hotel & Conference Center

301 Washington Avenue
Bay City, MI 48078

HIS has been selected to manage and will assist in development of a brand new Doubletree Hotel and Conference Center; public / private development. Construction to begin this winter and will be completed in approximately 18 months. HIS is advising the project architect and owner (City of Bay City) regarding the physical/design layout of hotel and conference center. HIS is reviewing and recommending FF&E (furniture, fixtures, and equipment) design and purchases. HIS will manage the entire project once open.

Great Lakes Crossing

Auburn Hills, MI 48326

HIS was hired to conduct a feasibility study to determine if a hotel and conference center should be built near the Great Lakes Crossing Mall. Our research and analysis revealed that enough demand existed to support two Hilton hotels and a 40,000 square foot conference center. Demand interviews

and consumer focus groups were conducted to determine the optimal size, breakouts, layout, technical and production capabilities for this new center.

Rochester Hotel

Rochester, MI 48307

The investor/developer has hired HIS to oversee all feasibility work and studies for this new hotel project. HIS will direct, supervise, and review research, analyses, and financial models. In addition, HIS will work with the architect in refining the schematics to affect the highest and best use for the site, building layout, amenity level and trim.

Ambassador Hotel

16400 J. L. Hudson Drive
Southfield, MI 48075

HIS was hired to conduct a feasibility study to determine the above site’s best use. Complete market analysis included reviewing historic community and hotel trends, product improvement plans, debt restructuring, possible partnerships, brand representation, community awareness/perceptions, new development, new market strategies, financial projections, investment options, and recommendation.

Soave Enterprises

Brambleton, VA
N. Stonington, CT.

HIS was hired to conduct feasibility studys to determine the above sites’ best use. Complete market analysis include reviewing historic community and hotel trends, product improvement plans, debt restructuring, possible partnerships, brand representation, community awareness/perceptions, new development, new market strategies, financial projections, investment options, and recommendation

Former and Current Client List

<u>Client</u>	<u>Hotel</u>	<u>Services</u>
Carpenters' Pension Fund	Ramada	Management
Carpenters' Pension Fund	Days Inn	Management
Huntington Banks of Michigan	Arborgate Inn	Management
River Place Properties	River Place Inn	Management/consulting
The Jonna Companies	Compri Hotel	Management and debt restructuring
Standard Federal Bank	Clarion Hotel	Consulting
Heritage Federal Savings	Mayflower Hotel	Management/court appointed receiver
Don Butcher & George Cress	Holiday Inn East	Management
	Holiday Inn West	Management
Michigan National Bank	Best Western Howell	Management
Michigan National Bank	Various	Consulting/litigation support
Acquest Realty Advisors	Hotel St. Regis	Management/consulting
Dykema Gossett	Various	Litigation support
Melody Farms Dairy	Compri/Hilton	Management and debt restructuring

Ramsey Sawideh
Mellon Bank
Jehan Barbat, MD
Robert P. Ufer, Esq.
Jaffe, Raitt, Heurer & Weiss
Acquest Capital Management
Prophet LLC
Standard Federal Bank
Standard Federal Bank
Standard Federal Bank
Great Lakes Bancorp
Towle/Heskin
Resolution Trust Corporation
Detroit Medical Center
St. Mary's Church
City of Battle Creek
Michigan Assurance Limited
ASC - HCLP
ASC - HCLP
Inphomation Communications
City of Detroit
Prechter Holdings
Soave Enterprises
Soave Enterprises
Archdiocese of Detroit
Archdiocese of Detroit
Archdiocese of Detroit

D & N Bank
Stone Mountain Partners
Mary Jo Pulte
Toll Brothers, Inc.
Grand Pacific Finance Corp.
Soave Enterprises
Soave Enterprises

Kingsley Inn
Knights Inn
Knights Inn
Leota Lodge
Mayflower Hotel
Ramada, Days Inn
Mayflower Hotel
Leota Lodge
Novi Hilton
Village Inn
Holiday Inn
Holiday Inn
Holiday Inn
Hotel/convention center
Fellowship Hall
Restaurant
Bermuda Insurance Co
Ramada Hotel
Holiday Inn
Harbor Inn Pier 5
Rogell Golf Course
Hilton
Holiday Inn
Sheraton
St. John's Conference Center
St. John's Golf Club
St. John's Center for Youth
& Family
Ramada & Quality Inn
Hilton x 2
The Lodge at Yarrow
Northville Hills Golf Club
Ambassador Hotel
Hotel, VA
Hotel, CT

Consulting
Consulting
Management
Management
Receiver
Management
Receiver/Management
Management
Consulting
Management
Management
Management
Management
Consulting
Consulting
Litigation support
Consulting
Management
Management
Consult. /Management
Consulting
Develop. /Management
Develop. /Consulting
Develop. /Consulting
Develop. /Management
Management

Management
Consulting
Development/Management
Management
Food & Beverage Mgt
Consulting
Consulting/Feasibility
Consulting/Feasibility

Hotel Investment Services, Inc.

Company Profile

275 E. Big Beaver Road Suite 203

Troy, MI 48083

PH. (248) 689-4110

www.hisdot.com

Hotel Investment Services, Inc. (HIS) has been serving the Hospitality Industry since 1989. HIS currently manages six properties: 3 full service hotel/conference centers, 1 conference center/golf course, 1 golf course, 1 cattle ranch. HIS' 500 employees are led by President - Ron Wilson (see attached CV). Brian Barton, VP Operations, KC Baker, VP Accounting, Tim Lotito, CPA, Controller, Karen Moore, Corporate Marketing Director. HIS offers management, expert witness and analytical services. The following pages represent our current inventory of managed facilities.

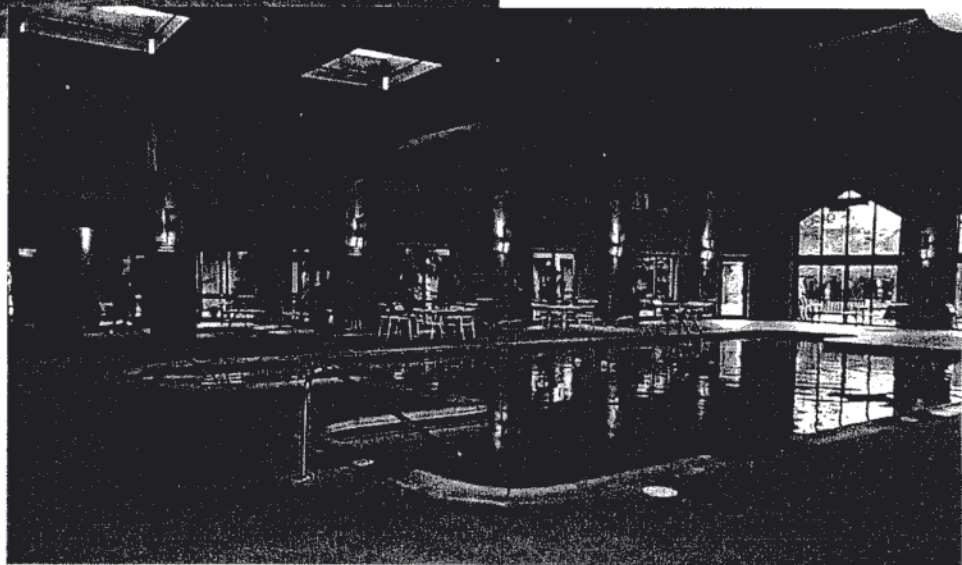
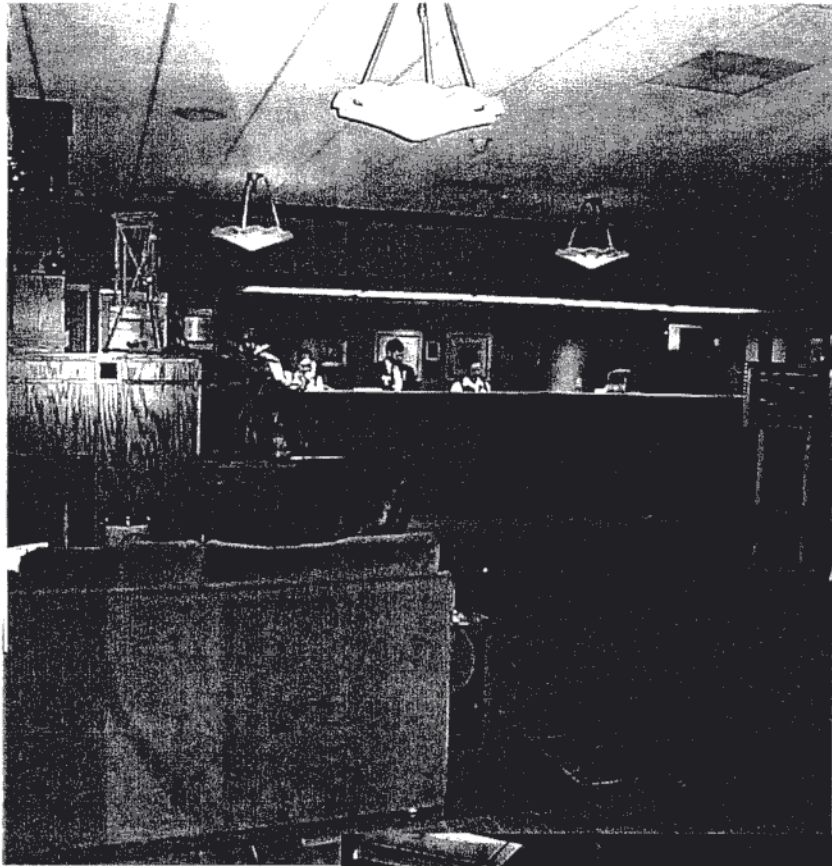
Holiday Inn®

SOUTHGATE—Heritage Center



A 160 room, full-service hotel featuring
8,000 square feet of banquet/conference
space.

Holiday Inn - Southgate





Hilton Garden Inn - Plymouth, Michigan

HIS has ownership interest as well in this 157-room hotel. This well situated property offers 2 luxury suites, indoor pool and full service restaurant.

Hilton Garden Inn – Plymouth

Lobby

King Guestroom





The Lodge at Yarrow

Augusta, Michigan

An extraordinary meeting and professional
development center.

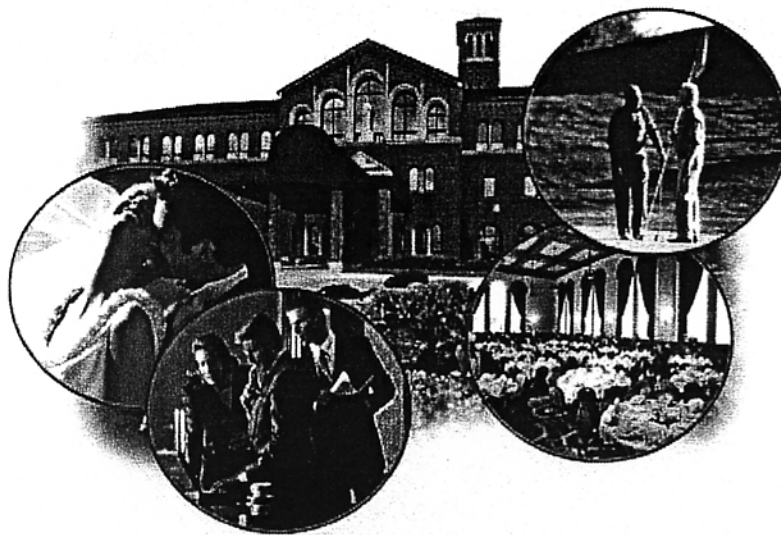
Luxurious accommodations, ballroom with 14 private breakout
rooms, experiential adventure training, focusing on strategies that
will improve organization and personal effectiveness. All situated
on 300 acres including a private lake amid the scenic western
Michigan landscape.

The Lodge at Yarrow



St. John's

GOLF & CONFERENCE CENTER

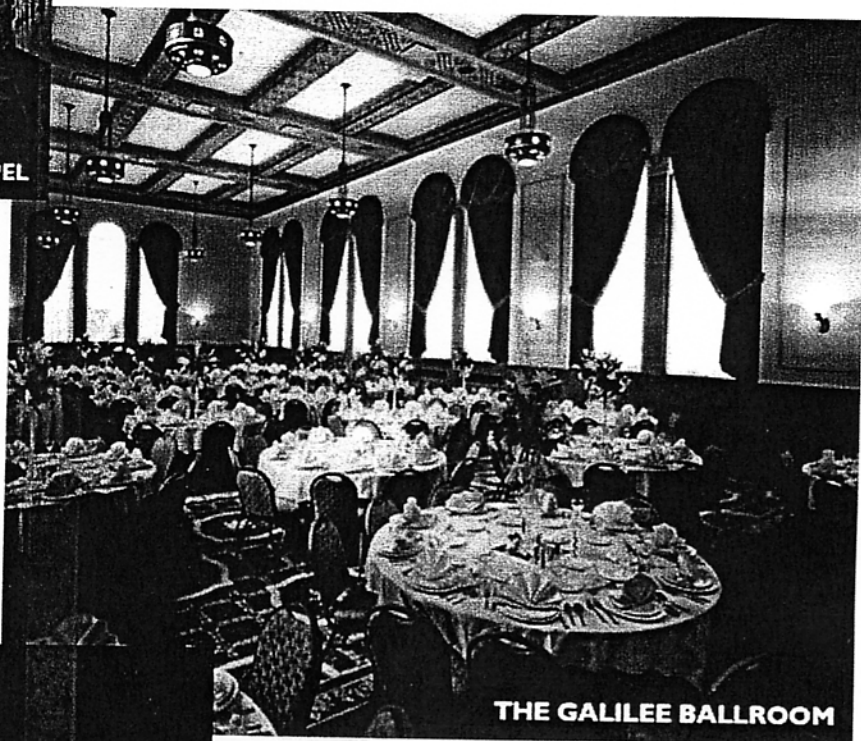


For more than half a century, the stately architecture of St. John's Golf & Conference Center has been a regional landmark. Today, this extraordinary venue offers a remarkable tableau for weddings and receptions, corporate conferences, special events and golf outings.

St. John's Golf & Conference Center



CHAPEL

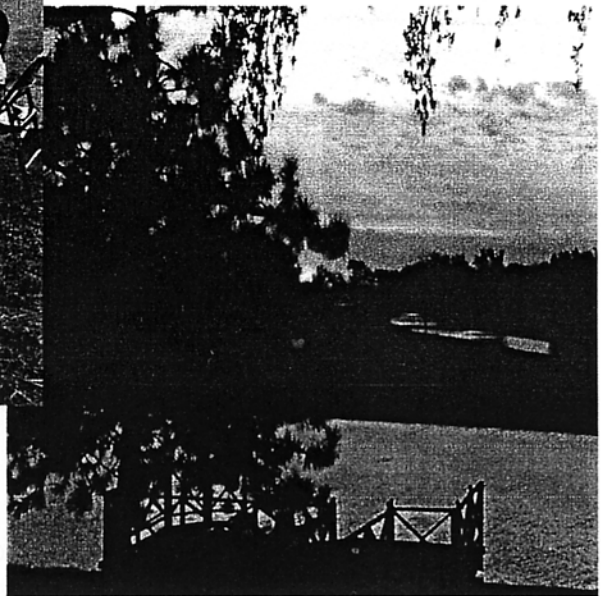


THE GALILEE BALLROOM



Texas Heritage Ranch

Wheeler, Texas



www.hisdot.com

4,000 acres offering executive retreat, including working cattle ranch. Features white tail deer, bobwhite quail, wild boar and turkey hunting. Three ranch houses make up the lodging.

Texas Heritage Ranch





Northville Hills
Golf Club

Northville, Michigan

Arnold Palmer golf course.



ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)
11/12/2001

PRODUCER (810)939-6240 FAX (810)939-7379
IBN AMRO Financial Services, Inc.
Standard Insurance Services
167 Fifteen Mile Rd. Ste#101
Sterling Heights, MI 48310
INSURED HOTEL INVESTMENT SERVICES INC
275 E BIG BEAVER # 203
TROY, MI 48083

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURER A: HARTFORD SERVICE CENTER
INSURER B:
INSURER C:
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

SR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR	35SBAKL3838	07/25/2001	07/25/2002	EACH OCCURRENCE	\$ 1,000,000
					FIRE DAMAGE (Any one fire)	\$ 300,000
					MED EXP (Any one person)	\$ 10,000
					PERSONAL & ADV INJURY	\$ 1,000,000
					GENERAL AGGREGATE	\$ 2,000,000
					PRODUCTS - COMP/OP AGG	\$ EXCLUDED
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC					
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	\$
					BODILY INJURY (Per person)	\$
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE (Per accident)	\$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
					OTHER THAN EA ACC	\$
					AUTO ONLY: AGG	\$
	EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE	\$
					AGGREGATE	\$
						\$
						\$
						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	35WECJJ7660	07/25/2001	07/25/2002	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER	
					E.L. EACH ACCIDENT	\$ 100,000
					E.L. DISEASE - EA EMPLOYEE	\$ 100,000
					E.L. DISEASE - POLICY LIMIT	\$ 500,000
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
CERTIFICATE HOLDER IS LISTED AS AN ADDITIONAL INSURED UNDER THE GENERAL LIABILITY
PORTION OF THE POLICY WITH REGARD TO WORK PERFORMED BY THE NAMED INSURED.

CERTIFICATE HOLDER ☒ ADDITIONAL INSURED; INSURER LETTER:

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Anthony Curti

CITY OF TROY
MUNICIPAL OFFICES
500 W. BIG BEAVER
TROY, MI 48084

RESUME

PERSONAL DATA

Name: Ronald J. Wilson
Personal: Age 46
Citizenship: United States
Military: None

EDUCATION

Graduate: 1990 - **MS Degree** – Finance: Walsh College, Troy, Michigan
Undergraduate: 1979 - **BS Degree** – Major: Hotel Admin; Minor: Account., Spanish
University of Nevada, Las Vegas - - Dean's List

Other: Certified Hotel Administrator (AHMA)

WORK EXPERIENCE

89 – present **Hotel Investment Services, Inc., Troy, Michigan: President**

85 - 89: **Eric Yale Lutz & Associates, Birmingham, Michigan Dir. of Hotel Investments**

79 - 85: **MHM, Incorporated, Dallas, Texas**

Airport Regency Hotel, Miami, Florida (MHM) General Manager

Rodeway Inn, Arlington, Texas (MHM) Asst. General Manager

Rodeway Inn, Overland Park, Kansas (MHM) Asst. General Manager

Rodeway Inn, North Kansas City, Missouri (MHM) Asst. General Manager

Plymouth Hilton, Plymouth, Michigan (MHM) Banquet Manager

Summit Hotel, Dallas, Texas (MHM) Trainee

78 - 79: **University of Nevada, Las Vegas, Nevada: Spanish Tutor**

74 - 75: **The Junction Eating-Place, Fort Collins, Colorado Cook**

74 - 74: **El Valquero, Quito, Ecuador Bar Manager**

73 - 74: **La Taberna Americana, Quito, Ecuador Bartender**

72 - 73: **Campus Cone, Fort Collins, Colorado Manager**

November 26, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
William R. Need, Public Works Director

SUBJECT: Amendments to Chapter 16, Section 2.19 Composting 5 (b)

As the language in the bold print indicates, the restriction on the amount of compost one might produce on a property of one (1) acre in size or greater is eliminated.

We do feel that a screening requirement is desirable and necessary to protect neighbors from what could prove an unpleasant view. It is conceivable that should an individual wish, their entire property could encompass a composting operation except for the zone within three (3) feet from a property line or fifteen (15) feet from a dwelling.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 16 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

CITY OF TROY
CHAPTER 16 - MUNICIPAL SOLID WASTE AND RECYCLING

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 16 - Municipal Solid Waste and Recycling of the Code of the City of Troy.

Section 2. Amendment

Chapter 16 has been re-written to reflect the services currently being extended to the residents of the City of Troy as follows:

2.19 Composting

The restrictions of Chapter 39, Section 39.90.03; Chapter 88, Section 9.13; Chapter 48, Section 6.101(5), and Section 6.107 shall not be deemed to prohibit composting on private property.

The construction and maintenance of yard waste composting bins/piles shall be permitted subject to the following conditions:

- (1) The contents of compost bins/piles may consist of a combination of biodegradable material including those items listed as acceptable by composting authorities such as the Department of Natural Resources or Southeastern Oakland County Resource Recovery Authority.
- (2) The contents of compost bins/piles shall not include meats, bones, fish, dairy products, vegetable or animal fats, cooked foods, carnivorous animal manure, plastics, synthetics, or other non-biodegradable material.
- (3) Compost bins/piles are not permitted in drainage or utility easements.
- (4) Compost bins/piles are permitted in rear yards, a minimum of three (3) feet from any lot line and fifteen (15) feet from any dwelling located on adjacent property.

- (5) **(a)** Within platted subdivisions, composting bins/piles are limited in size to a maximum of 3 feet x 3 feet in area and 3 feet in height. Platted subdivision lots are limited to a maximum of three (3) bins/piles.

(b) Parcels exceeding one acre in size and located within a platted subdivision are exempt from the provisions of subsection 5 (a), as long as there is adequate screening to shield any composting bins/piles on said parcel from the view of adjoining residential properties.

- (6) Composting must be maintained in a manner to prevent the escape of offensive, unwholesome, or nauseous odor to adjacent property and not be an active attraction/refuge for rodents.

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____ 2001.

Matt Pryor, Mayor

Tonni Bartholomew. City Clerk

The meeting was called to order at 7:29 p.m. by Chairman Max Ehlert in Conference Room C.

PRESENT: David Balagna

Max Ehlert

W. Stan Godlewski

James Moseley

James Peard

Thomas Sawyer

John Walker

Sergeant George Zielinski

Marsha Livingston, Office Coordinator

ABSENT: Jennifer Gilbert

Moved by Walker, seconded by Moseley, to EXCUSE the absent member(s).
APPROVED unanimously

Moved by Moseley, seconded by Balagna, to APPROVE the minutes of the September 10, 2001 meeting as printed.
APPROVED unanimously

AGENDA ITEMS:

1. **7-ELEVEN, INC.**, requests to drop **D. & G. BLATCHLEY, INC.**, as Co-Licensee and add **NISAR SIDDIQUI** as Co-Licensee with 7-Eleven, Inc. in 2001 Specially Designated Merchant (SDM_licensed business located at 2891 Crooks, Troy, MI 48084, Oakland County, [MLCC REF#132394])

Present to answer questions from the committee was Pedro Hernandez, Field Consultant for the Big Beaver and Crooks Road location. He was there to represent 7-Eleven, Inc. as Co-Licensee.

Mr. Siddiqui was unable to attend because he was in California transferring ownership of his California store to his son. According to Mr. Hernandez, Mr. Siddiqui has been a successful franchisee in California since December 1986. He is also a franchisee of two Subway restaurants in California. Mr. Hernandez said Mr. Siddiqui sees good opportunity here in Michigan and likes the area.

Moved by Sawyer, seconded by Walker, to TABLE the above request until Mr. Siddiqui can be present.
APPROVED unanimously

2. **City Attorney Lori G. Bluhm will discuss Liquor License transfer limitations.**

The committee explained to City Attorney Lori Bluhm they are looking for options regarding transfer licenses. They understand more licenses will be allocated due to an increase in the population and are looking for more control. The main question was if there is a way to impose City limitations. The committee would like to protect current holders in the area, police enforcement for establishments, and they do not want Troy to be a "dumping ground".

Lori Bluhm's response was that not all licenses have to be approved. The local legislative body has the authority to recommend approval for licenses. Denials cannot be discriminatory, arbitrary, or capricious. Criteria will be upheld legally. Royal Oak will become a more recent case for challenges in the future and transferring is a new concept anyway.

Criteria can be used for denials. It is better to have something to base denials on in case of challenges in court. Criteria, for example, could be making restrictions with the site plans, restricting license holders in an area, encouraging development in certain areas and not in others, and previous history. The next step will be to see the current criteria for licenses and revise. Once criteria has been agreed upon, have it available to all businesses applying for licenses beforehand so they are aware of needs that have to be met in order to get an approved recommendation from the committee. The way to avoid a lawsuit is to have everything spelled out.

Ms. Bluhm will research Resort Licenses further.

It is easier to deny a recommendation rather than revoke license. She prefers it to be done at the committee's stage and she would encourage the limitation of licenses. It would be reasonable to limit the number of licenses in Troy since we do have a lot.

Ms. Bluhm will contact Royal Oak to get a copy of their proposed criteria and Sgt. Zielinski will make a map that is coded as to where licenses currently are within the city. Ms. Bluhm will also contact various Assistant Attorney Generals to see what criteria they may have.

Before the next meeting, the committee will get copies of current criteria and come up with ideas for revisions. This will be discussed after the next meeting. At this point, Council is waiting for recommendations from the committee in regards to this.

Moved by Walker, seconded by Sawyer, to ADJOURN the meeting at 8:13 p.m.
APPROVED unanimously

ML/ml

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, October 10, 2001, at City Hall in Conference Room C. The meeting was called to order at 3:00 p.m.

PRESENT:	Mark Calice Mark Halsey Thomas Houghton, Chairman John M. Lamerato Anthony Pallotta
ABSENT:	Robert Crawford John Szerlag

EXCUSE ABSENT MEMBERS

Resolution # 01-42

Moved by Pallotta
Seconded by Halsey

RESOLVED, that Robert Crawford and John Szerlag be excused.

Yeas: All 5
Absent: Crawford, Szerlag

MINUTES

Resolution # 01-43

Moved by Halsey
Seconded by Pallotta

RESOLVED, that the minutes of the September 12, 2001, meeting be approved.

Yeas: All 5
Absent: Crawford, Szerlag

RETIREMENT REQUEST

Resolution # 01-44

Moved by Pallotta

Seconded by Halsey

RESOLVED, that the duty disability retirement request of Steven G. Renk, 10/10/01, be approved.

Yeas: All 5

Absent: Crawford, Szerlag

OTHER BUSINESS

Investment Policy

The Board will continue their review of the current investment policy at the November Board meeting.

The next meeting is November 14, 2001 at 3:00 p.m. at the Department of Public Works.

The meeting adjourned at 3:15 p.m.

The Chairman, Christopher Fejes called the meeting to order at 7:30 P.M., on Tuesday, October 16, 2001.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Walter Storrs

Also Present: Mark Stimac
Bob Davisson
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES OF MEETING OF September 18, 2001

Motion by Courtney
Supported by Gies

MOVED, to approve the minutes of the meeting of September 18, 2001 as written.

Yeas: 7 – All

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. JACQUES MILOIAN, 1739 COVENTRY, for relief of the Ordinance to construct a shed, which will exceed the maximum allowable square footage for accessory buildings.

Mr. Stimac explained that the petitioner is requesting relief to construct a shed, which will exceed the maximum allowable square footage for accessory buildings. A permit for a 576 square foot detached garage has been issued and is currently under construction on this lot. An application has been submitted to construct a 100 square foot shed, which would result in 676 square feet of accessory buildings. Section 40.57.04 of the Zoning Ordinance limits the total square footage of all accessory buildings at this site to 600 square feet.

This item first appeared before the Board at the meeting of September 18, 2001 and was postponed to allow the Engineering Department to examine the property, to determine if they can help to alleviate the water problem, and also so that the petitioner can present an exact plan of the proposed construction to the Board.

The Engineering Department has inspected the site and recommends that a new catch basin be constructed on the existing rear yard drain located behind the petitioner's property. In addition they recommend that an under-drain be installed to pick up the surface water in front of the shed and pipe it directly to the rear yard drain. Finally, they request that the slab of the new shed be installed so that it is no higher than 4" above the existing grade at the front of the building to minimize the need for any additional fill.

ITEM #2 – con't.

Mr. Jacques Miloian was present and stated that he had brought in an approval of his request from his neighbors at 1780 Coventry Drive.

Mr. Maxwell asked if the changes needed to be made before the construction of the additional structure and Mr. Stimac stated that these changes would help to minimize the flooding in the area. Mr. Stimac went on to say that this area is extremely flat and is made up of mostly hard clay and drainage has always been a problem. Mr. Stimac said that the intent of the recommendations made by the Engineering Department, was to offset any impact caused by the construction of new building, and that the City would not mandate these changes if the building were not built. Mr. Maxwell then asked who would be responsible for the financial burden of these changes and Mr. Stimac stated that since the additional drainage work was to offset the impact of the new construction, the petitioner would be responsible.

Motion by Courtney
Supported by Gies

MOVED, to grant Jacques Miloian, 1739 Coventry, relief of the Ordinance to construct a shed, which will exceed the maximum allowable square footage for accessory buildings.

- The shed shall abut the garage or be placed not less than 8' from the garage.
- The entrance to the shed will be at ground level
- No concrete, or any other impediment to the flow of water, shall be placed between the garage and the shed.
- Variance as granted is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: 5 - Gies, Hutson, Storrs, Courtney, Fejes
Nays: 2 – Kovacs, Maxwell

MOTION TO APPROVE REQUEST WITH STIPULATIONS CARRIED

ITEM #3 – VARIANCE REQUESTED. JAX CAR WASH, 2823 W. MAPLE, for relief to expand a legal non-conforming use in the B-3 Zoning District.

Mr. Stimac explained that the petitioner is requesting relief to expand a legal non-conforming use in the B-3 Zoning District by installing new gas tanks and gas pump islands.

This property is located in the B-3 (General Business) Zoning District. The required zoning classification for a car wash (with or without gasoline sales) is H-S (Highway Service). At the time this facility was constructed, car washes with gasoline sales were a permitted use in the B-3 Zoning District. The ordinance was subsequently changed to

ITEM #3 – con't.

move these uses to the H-S classification. As such, the existing use of the property as a car wash is a legal non-conforming use.

In April 2000 the gas pumps and supply tanks were removed from this facility. At that time that portion of the non-conforming use ceased to exist. Since the gasoline sales activity on this site has ceased for a period exceeding six months, that portion of the operation lost its legal non-conformance status per Paragraph E of Section 40.50.05, and the reconstruction of the gas pumps would constitute the expansion of the non-conforming use. Paragraph A of Section 40.50.05 of the Troy Zoning Ordinance prohibits the expansion of a non-conforming use.

Mr. Bruce Larson, president of Larson Equipment Company was present and stated that his company was proposing to install the new gas tanks at this location. Mr. Larson stated that this property was sold to a national car wash company, and at that time the new owners could not meet the state guidelines for underground tanks, and therefore removed the old tanks. Recently the property was re-purchased by the original owner, Mr. Bruce Milar, who wished to get back into the petroleum retail business. Mr. Larson went on to say that they have shown the ability to stack forty (40) vehicles awaiting service at the car wash, and that the area is always kept clean.

Mr. Fejes asked if the new tanks would be in compliance and Mr. Larson stated that they surpass the state requirements. Mr. Kovacs asked if Mr. Milar knew he would have to get a variance to re-install the tanks at the time he re-purchased this property, and Mr. Larson stated that he did not.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Storrs asked why the property was purchased back, and Mr. Milar stated that it was an opportunity for him to get back into the car wash business

Mr. Hutson voiced concern over this proposal establishing a use not permitted in the zoning district as the principal use of the property. He noted that the Ordinance is very restrictive in that matter.

Motion by Hutson

Supported by Courtney

ITEM #3 – con't.

MOVED, to deny the request of Jax Car Wash, 2823 W. Maple to expand a legal non-conforming use in the B-3 Zoning District by installing new gas tanks and gas pump islands.

- Variance would permit the establishment of a prohibited use as the principal use within a zoning district.
- Petitioner has not demonstrated any practical difficulty.

Yeas: 4 – Hutson, Storrs, Courtney, Gies

Nays: 3 – Kovacs, Maxwell, Fejes

MOTION TO DENY REQUEST CARRIED

ITEM #4 – VARIANCE REQUESTED. KIMBERLEE PORTER, 106 CHOPIN, for relief of the side yard setback to construct a detached garage.

Mr. Stimac explained that the petitioner is requesting relief to construct a detached garage. Section 40.57.05 of the Zoning Ordinance requires a 6' minimum setback to side and rear property lines. The site plan submitted indicates that the proposed garage would be constructed with a 3' side-yard setback from the west property line.

Kimberlee Porter was present and stated that her lot is only 40 feet wide and backing out of the garage would be very difficult with a 6' side yard setback. Ms. Porter went on to say that her home does not have a basement and she would also use the garage for the storage of her yard equipment, a bike and a snow blower.

Mr. Hutson asked why the petitioner had to go in 3' and Ms. Porter replied that she has a small patio, and if the drive is constructed 6' in, it would run into the patio. Mr. Maxwell stated that it is very difficult to back out of a garage with a 10' driveway. Mr. Storrs asked if Ms. Porter had spoken to the neighbor on the west side of her property, and she stated that she had spoken to the owner and he did not have any objections. Mr. Storrs then asked how she would maintain this 3' strip, and Ms. Porter stated that she was very creative and planned to add shrubs.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections on file.

Motion by Maxwell
Supported by Gies

ITEM #4 – con't.

MOVED, to grant Kimberlee Porter, 106 Chopin relief of the side yard setback to construct a detached garage.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. MR. & MRS. PETER TREBOLDI, 3097 CASWELL, for relief of the rear yard setback to construct an addition.

Mr. Stimac explained that the petitioner is requesting relief to construct a rear yard addition. The site plan submitted indicates that the proposed addition would result in a rear yard setback of 42'. Section 30.10.02 requires a 45' minimum rear yard setback in the R-1B Zoning District. In 1986 a variance was granted for an addition on another portion of the house and that addition was constructed with a rear yard setback of 38.1 feet. Mr. Stimac also noted that this lot is basically a square being 125 feet on all sides.

Mrs. Kathy Treboldi was present and stated that they want to enlarge their living space, and due to the fact that her elderly mother is living with them, they have to expand out rather than up. Ms. Treboldi explained that her mother has a walker and it is difficult for her to get around.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections on file.

Motion by Gies
Supported by Storrs

MOVED, to grant Mr. & Mrs. Peter Treboldi, 3097 Caswell, relief of the rear yard setback to construct an addition.

- The lot is unusually shallow compared to other lots in the area.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- Conforming would be unnecessarily burdensome to the petitioner.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUESTED. THOMAS PERSHA, 2032 E. SQUARE LAKE, for relief of the Ordinance to delete the 6' high screen wall along the east side of the site of the new office building at 2032 E. Square Lake.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to delete the 6' high screen wall required along the east side of his office building currently under construction.

The site of the new office building is in the O-1 (Low Rise Office) Zoning classification. The property located adjacent to the east side of the site is zoned R-1D (Single Family Residential). Section 39.10.01 of the Troy Zoning Ordinance requires that a 6-foot high masonry screen wall be placed along the lot line when O-1 zoned sites abut residentially zoned property.

Mr. Thomas Persha was present and stated that although he understands the need to separate Commercial property from Residentially zoned property, he felt that this could be done with the use of natural screening rather than a masonry wall. Mr. Persha went on to say that presently there is quite a bit of screening which the existing shrubs and trees in the area provide. Mr. Persha also said that they plan to add more deciduous plantings in order to fill in any gaps.

Mr. Hutson stated that although he prefers natural screening, he was concerned because the trees that are presently in the area lose their leaves in the winter, and asked Mr. Persha what type of plantings he has in mind. Mr. Persha stated that they plan to put in conifers and cedars, which would remain green all year round.

The Chairman opened the Public Hearing.

Ms. Barbara Grant, 5971 Teakwood, was present and stated that she is in favor of natural screening. Ms. Grant does not feel that a masonry wall would be aesthetically pleasing, and would much rather have the property screened by trees and shrubs.

No one else wished to be heard and the Public Hearing was closed.

Mr. Persha brought in a letter signed by two residents, indicating approval of his request. There is one written approval, with stipulations, on file. There are no written objections on file.

Mr. Maxwell asked what time line Mr. Persha had in mind for the planting of these shrubs. Mr. Persha stated that they wished to plant as many as they could, this fall, and planned to finish the plantings in the spring, if necessary.

Mr. Fejes asked if the landscaping plan would have to be approved by the Parks and Recreation Department. Mr. Fejes expressed concern over the fact that several berms have been put in without Parks and Recreation approval, and have not been done correctly. Mr. Stimac stated that if the Board were in favor of granting the request, there

ITEM #6 – con't.

are guidelines set up by the Parks and Recreation Department, and Mr. Persha could present his plan to the Parks and Recreation Department for approval.

Motion by Kovacs

Supported by Courtney

MOVED, to grant Thomas Persha, 2032 E. Square Lake, a one-year (1) variance for relief of the Ordinance to delete the 6' high screen wall along the east side of the property, where Commercially zoned property abuts Residential zoned property.

- Petitioner shall present landscaping plan to the Parks and Recreation Department for approval.
- One-year variance will allow for new plantings to fill in.
- Variance is not contrary to public interest.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR ONE-YEAR (1) CARRIED

ITEM #7 – VARIANCE REQUESTED. AMERICAN TOWER CORPORATION AND NEXTELL COMMUNICATIONS, 991 BADDER, for relief of the front yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to relocate an enclosure fence at their existing communication facility. Section 30.20.09 of the Troy Zoning Ordinance requires a minimum 50 foot front setback in the M-1 (Light Industrial) Zoning District. The site plan submitted indicates that the enclosure fence will be 19.1 feet from the front property line along Badder. The Building Department had received at the same time a request from Nextell to install an equipment building in this area. In order to coordinate these issues, we included language in the public hearing notices to cover variances necessary for both the fence and the building. Subsequently, the petitioner on the building request informed us that they would be revising the location of their building to comply with the setback requirements. Therefore they have withdrawn their request and no action by the Board is necessary at this time regarding the building setback.

Mr. Steve Baker of American Tower Corporation was present and stated that this property does not have sufficient ground space to provide for any additional telecommunication carriers. Mr. Baker stated that they wished to put the fence in this area, in order to make this property more appealing to other carriers. Mr. Baker also said that they are unable to put up this fence on the west side of the property because of the parking lot and cannot move the fence to the north side as the fence is already at the property line on this side. Mr. Baker went on to say that they are trying to gain maximum use of the facility at this location, and he believes this enclosure will help them to achieve this goal.

ITEM #7 – con't.

Mr. Maxwell asked if a second communication tower could be built in this area, and Mr. Baker replied that he thought that before construction, a variance would be required. Mr. Courtney stated that he did not feel a fence would be required until plans for a building were submitted. Mr. Storrs stated that there have been several instances where variances were granted in the area, but that they were held at a 25' setback. Mr. Maxwell stated that he felt that this request was quite large and felt more comfortable with a 25' setback. Mr. Baker stated that he felt that they were being proactive and trying to make the site ready for any communications carrier that might like to have a tower at this location. Mr. Maxwell asked if other carriers had expressed an interest in this location, and Mr. Baker stated that he did not have that information. Mr. Baker went on to say that he thought that Nextell would prefer to be on this side of the property. Mr. Maxwell asked if there was any environmental impact on the surrounding area from these communication towers and Mr. Stimac stated that although there is a great deal of debate of both sides of this issue, he was not aware of any definite impact. Mr. Stimac went on to say that the FCC regulations preclude the denial of telecommunication towers solely on health reasons. He also stated that because each carrier uses a different frequency he was not aware of any increased hazard based upon the cumulative effect of collocating many carriers on the same tower.

Mr. Hutson stated that he was very reluctant to grant this variance, as he does not feel that there is a hardship with the land, and Mr. Maxwell also said that he was concerned about the size of the variance request.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written objection on file. There are no written approvals on file.

The Chairman noted that he perceived that since the reason for the variance is to allow for additional providers the Board would be reluctant to grant the variance without knowing what the requirements of the providers are. He also noted that if the Board were to deny this request, the petitioner could not reapply for the same thing.

Mr. Baker asked that his request for a variance be withdrawn at this time. No further action on this request taken by the Board.

ITEM #8 – VARIANCE REQUESTED. ELIZABETH ABRO, 6462 JOHN R., for relief of the side yard setback to construct a deck.

Mr. Stimac explained that the petitioner is requesting relief of the side yard setback to construct a deck. The site plan submitted indicates that the proposed deck would result in an 8' side yard setback to the south property line. Currently, there is an 8.22' setback from the house to the north property line. This, along with the proposed deck, would result with a 16.22' total for both side yard setbacks. Section 30.10.05 requires a 20' minimum total for both side yard setbacks in the R-1D Zoning District.

ITEM #8 – con't.

Ms. Elizabeth Abro was present and stated that the shape of their lot is irregular, and also has a large drop at the rear of the garage. Ms. Abro also stated that when Troy Lake was developed they put in a retaining wall in order to make use of their property. Ms. Abro went on to say that the deck would be screened from neighboring property by a line of existing trees, and that the only place the deck would not comply with the Ordinance is where the property slopes down.

Mr. Storrs asked why the deck was out 4' further than the garage and Mr. Stimac explained that in order to comply with the Ordinance, the deck would have to come straight off the end of the garage and this is the area that the property slopes down. Mr. Kovacs asked if the proposed deck would infringe on the rear property setback and Mr. Stimac explained that the rear property line is actually out in the middle of the lake, and therefore the rear yard setback would not be a problem.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections on file.

Motion by Courtney
Supported by Kovacs

MOVED, to grant Elizabeth Abro, 6462 John R. relief of the side yard setback to construct a deck.

- Irregular shape of the lot makes conformance to the Ordinance unnecessarily burdensome.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: 6 – Courtney, Fejes, Gies, Hutson, Kovacs, Maxwell
Nays: 1 – Storrs

MOTION TO GRANT VARIANCE CARRIED

The Board of Zoning Appeals meeting adjourned at 9:00 P.M.

MS/pp

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 P.M. on Tuesday, October 23, 2001 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Chamberlain
Kramer
Pennington
Starr
Storrs (arrived 7:35)

Absent

Littman
Reece
Waller
Wright (departed 7:40)

Also Present:

Mark Miller, Interim Planning Director
Susan Lancaster, Assistant City Attorney
Jordan Keoleian, Student Representative
Doug Smith, Real Estate and Development Director

2. MINUTES

Moved by: Mr. Kramer

Seconded by: Mr. Wright

RESOLVED to approve the September 25, 2001 Planning Commission Special / Study Meeting Minutes.

Yeas:

All Present (5)

Absent:

Littman
Reece
Storrs
Waller

RESOLUTION APPROVED

Moved by: Mr. Kramer

Seconded by: Mr. Wright

RESOLVED to approved the October 2, 2001 Planning Commission Regular Meeting Minutes were approved.

Yeas:

All Present (5)

Absent:

Littman

Reece

Storrs

Waller

RESOLUTION APPROVED

Mr. Storrs arrived at 7:30 P.M. and Mr. Wright departed at 7:40 P.M.

STUDY ITEMS

3. **BOARD OF ZONING APPEALS REPORT**

Mr. Storrs stated there was no report at this time.

At this time, Mr. Chamberlain asked for a resolution to excuse Mr. Waller, Mr. Reece, Mr. Littman, and Mr. Wright.

RESOLVED, that Mr. Dave Waller, Mr. James Reece, Mr. Lawrence Littman, and Mr. Wayne Wright, be excused from attendance at this meeting.

Moved by: Ms. Pennington

Seconded by: Mr. Starr

Yeas:

All Present (5)

Absent:

Wright (excused at 7:40 p.m.)

Littman

Reece

Waller

RESOLUTION APPROVED

4. CURRENT DEVELOPMENT REPORT

Mr. Miller stated that Staff has been working with SDS/Wireless, TrinTel, who are currently offering a free service, which the City is utilizing. City Staff has been working with TrinTel to inventory all of the wireless communication antennas in the City. This has been completed and we are now going to examine the gaps in services. Staff wanted to notify the Planning Commission of this study and Mr. Miller asked if the Planning Commission wanted this item discussed at another Special Study Meeting.

Mr. Chamberlain stated that the service providers will select their locations and if directed by the Planning Commission, would cause the city to take ownership and accept responsibility for the wireless communication towers.

Doug Smith, Real Estate and Development Director, stated that he has met with IKEA on a weekly basis regarding the southeast corner of Rochester Road and Big Beaver Road. IKEA is going to ask City Council for a consensus vote. IKEA would then go through the normal rezoning process. IKEA has agreed to redesign the building and provide additional masonry building materials.

Mr. Chamberlain asked how this would be enforceable.

Mr. Smith stated that we will work with them and City Council. That is a commitment on IKEA's part.

Mr. Chamberlain asked what is the timeline.

Mr. Smith stated 2002, depending mainly on the approval process. IKEA currently has all the property under contract.

Mr. Chamberlain asked if we would see it first.

Mr. Smith answered yes. If Council agrees to the development concept, it will come back to the Planning Commission.

Mr. Smith stated that Midtown Square has sold 60 units in 60 days. The remaining units will be ready for occupancy approximately in the January/February timeframe.

Mr. Smith stated that at the City Council study session, approval was granted for an economic feasibility study for the Civic Center. This will be prepared by experts in conferencing and tourism. The RFP is due this Friday, October 25, 2001. Award would be made sometime in November and the initial report should be back in January. These experts all have great experience in the Metro Detroit market.

Mr. Smith further stated that Big Beaver Road, east of I-75, should be opened for traffic the first week of November. There was a bonus provision in the contract for finishing early and the project is approximately three weeks ahead of schedule. There have been problems with the Livernois area between Wattles and Long Lake and will probably be ready mid to late November.

Mr. Smith said he is working on trying to improve the Troy-Oakland Airport with connection to Meijer Drive and lengthen the runway.

Mr. Chamberlain asked who owns Meijer Drive.

Mr. Smith stated that the southern half is owned by the City of Royal Oak and the City of Troy owns the North portion.

Mr. Chamberlain asked if there were any plans to fix Meijer Drive.

Mr. Smith stated that we are working with Royal Oak for improvements. Staff is working with Detroit Edison to place wires underground.

Mr. Miller stated that the other Big Beaver Road construction project between Cunningham and Adams has experienced several problems and will not be completed this year. Temporary improvements will be made just to get through the winter.

Mr. Chamberlain asked about Livernois and Wattles Roads as to why the City didn't fully build out that intersection.

Mr. Smith stated that he did not know the answer.

Mr. Chamberlain asked why did we spend all that time and money and not put in right turn lanes.

Mr. Smith stated that was a good question and that he will investigate. He further stated that Mark Miller and himself would talk with John Abraham, Traffic Engineer.

Mr. Kramer stated that there is numerous vacant retail space at Coolidge and Maple roads.

Mr. Smith stated that there is activity in all the empty spaces at Mid Town Square. Vacancies are due to the lack of renewals. Partly because of the downturn of the economy and it is having an effect; however, I believe it will be dying down. He stated it as more a short term than long term situation.

Mr. Chamberlain stated it might be because we already have too much commercial.

5. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Smith stated there is three million dollars in increments designated to pay off the bond. They have gotten an "A" rating. The DDA is looking at a five (5) year capital plan and a mission statement.

Mr. Chamberlain stated that the DDA identified a problem at Big Beaver and Crooks roads regarding the driveways for several small businesses. It is the Planning Commission's charter, not the DDA's charter to address these types of problems. The Planning Commission will start working on these Land Use and Zoning studies.

Mr. Chamberlain further stated that if there is a problem at Big Beaver and Crooks, then there is also a problem at Dequindre and Long Lake Roads. If we are going to do an area study, we should do both locations.

Mr. Smith stated that the DDA agreed that the Planning Commission should tackle the Land Use and Zoning issue; however, the DDA felt they may be able to help financially if resources are needed.

6. PROPOSED FUTURE LAND USE PLAN

Mr. Chamberlain had the following comments and proposed changes to the Future Land Use Plan text.

Page 17 – Fill in gap in first paragraph.

Page 19 – Add Natural Features Map.

Page 20 – Last paragraph, change five to four

Page 23 – There is no indication in this plan or on the maps to indicate which sidewalks or paths should be 8', 10', or more in width. Create a legend to identify the widths of the sidewalks, bicycle or safety paths.

Mr. Kramer stated City Council already identified sidewalks on all major thoroughfares. He stated that as part of the plan, we should identify what gaps are needed to fill in the needed site plans.

Mr. Chamberlain commented on the Transportation Plan, stating that the key should be changed to indicate the size of the safety paths. Further, stated that we should actually indicate the width for the bikeway/walkway widths.

Mr. Storrs stated we still have a bike route through the City; is it incorporated in this plan. He asked if it should be indicated on the Transportation Plan.

Mr. Chamberlain stated it's going to be a bikeway plan, we could reference the bikeway route back to another map as here is the bikeway route

Mr. Starr commented on the phrase "Modified Plan Adopted" and suggested that the terminology be changed.

Mr. Miller stated we need some terminology.

Mr. Chamberlain stated that we should go to the Future Land Use Plan Map and remove the terminology and place it on the Transportation Plan. It should have a different name. We shouldn't be using these maps just to jog staff's memory. What we are saying "Modified Plan Adopted" does not indicate the correct intent.

Mr. Kramer asked if SEMCOG or SMART, is affecting anything on our Transportation Map.

Mr. Miller stated that we should take a closer look at that, although the City is aware that Big Beaver is identified as a "Proposed Rapid Transit Corridor" and proposed location of SpeedLink. SpeedLink is a rubber-tired form of rapid transit initiated and researched by the Metropolitan Affairs Coalition, that would be quicker, easier, and less expensive to install than light rails.

Mr. Chamberlain stated a transit corridor is already indicated.

Mr. Kramer agreed that the transit corridor is identified.

Mr. Storrs asked about the Big Beaver Urban Design Study.

Mr. Miller answered that there was a City Center/Big Beaver Corridor Urban Design Plan prepared in 1988. This Urban Design Plan presented design guidelines to improve the corridor.

Mr. Chamberlain stated we are working on transportation.

Mr. Miller stated that Big Beaver Transit Corridor is a better identifier than Urban Design.

Mr. Kramer commented he agreed, identify transit corridor.

Mr. Smith stated revisions are being made on the transit center of Mid Town Square to correct the location.

Mr. Storrs stated that in earlier discussions on the Urban Design Plan, wasn't it brought up about having a pathway system and landscaping.

Mr. Miller answered yes, and it included road improvements, street lights, crosswalks, etc. It is not transit related, more of a design. Transit corridor is not identified clearly and should be clarified.

Future Land Use Plan

Mr. Chamberlain stated that the legend should refer to the Natural Features Map. Also, the Modified Plan Adopted should be removed.

Mr. Kramer asked if these maps are ever going to be made available on the City's web site.

Mr. Miller stated the Natural Features Map is currently available and, therefore, the City can load and make any planning documents available.

Mr. Chamberlain stated that we should have all final comments ready for our next Study meeting in November.

Mr. Starr commented there should be an identifier of the City sections. Include a legend to show how to count sections.

Mr. Kramer commented that Mr. Waller had made a comment at a previous meeting regarding expanding the Planned Auto Center. He asked if Mr. Miller commented on this in the agenda explanation.

Mr. Miller stated that the Planning Commission should understand that auto dealerships are a form of retail sales and the enlargement of the center could encourage retail expansion into Light Industrial areas.

Mr. Chamberlain stated that the City had made a conscious decision years ago regarding planned auto dealerships in the middle of light industrial. The problem is, it keeps growing with successful dealerships.

Mr. Miller commented that commercial encroachment could result from this. Mr. Miller also stated that Mr. Waller's recommendation was to expand the Planned Auto Center to Axtell Street and that would include some B-3 zoning classifications.

Mr. Starr stated that the Planned Auto Center would be outside of Light Industrial areas and merge with commercial zoning classifications.

Mr. Storrs recommended not to enlarge the center and square it off.

Mr. Kramer stated Hollywood Market is next to the auto dealership.

Mr. Chamberlain commented that Hollywood Market is kind of the odd man out.

Mr. Storrs stated that we shouldn't show that finger.

Mr. Chamberlain stated we should scale it back and get rid of the finger and square off and not go to Axtell. Further, stated that we will bring this back in our November Study meeting and get this together and get ready for a public hearing to be held during the January regular meeting.

Draft Natural Features and Wetland Ordinances

Mr. Storrs stated that Natural Features' letters went out to all the property owners. Did the City send itself a letter. Is the City ready to live with this and go through all the opposition. The biggest impact would be to the Parks and Recreation Department.

7. LAND USE AND ZONING STUDY – Crooks Road at Big Beaver Road

Mr. Miller stated that at the most recent Downtown Development Authority meeting, the existing conditions of the properties at Crooks Road and Big Beaver Road was identified as an area for potential study. The Planning Staff has prepared preliminary study area maps including the future land use designations, zoning and existing land uses. The Planning Department is requesting that the Planning Commission verify the study area and provide preliminary comments. Staff will then conduct further analysis of the study area to identify specific problems and develop recommendations for the November Special/Study Meeting.

Mr. Chamberlain stated he wants to include Dequindre and Long Lake.

Mr. Smith stated that Kelly Services wants to place a traffic light on Butterfield and Crooks. It is scheduled to go before the Road Commission and will more than likely be approved.

8. PROPOSED P.U.D. (PUD-1) – Troy Baptist Church et al, East side of Rochester, South of Hartwig, Section 2

The Troy Baptist Church, Robertson Brothers Company and Franklin Property Corporation have submitted a preliminary proposal for the development of the 80 acre Troy Baptist property on the east side of Rochester Road south of South

Boulevard, within the R-1D Zoning District. This site has approximately a quarter mile of frontage on Rochester Road and extends east from Rochester approximately one half mile. Troy Baptist also owns a series of lots immediately north of the 80-acres site, on the north side of the platted but unopened one half-width Lovell Street right-of-way. The proposed development includes a church complex, an approximate 5-acre area proposed for low rise office use, and approximately 20 acres of residential condominium development. This submittal is considered preliminary due to the incomplete nature of the site plan. City staff recognizes that considerable information has been submitted by the petitioner; however, the site plan is lacking information as required by the Zoning Ordinance, as determined by the Planning Department and other City Staff. Therefore, staff cannot complete a full review or submit the PUD proposal to the Planning Commission for consideration until a complete application is provided by the petitioners.

At your March 27, 2001 Special/Study Meeting this preliminary proposal was presented by the petitioner (minutes enclosed). The Planning Commission generally demonstrated a favorable opinion towards the concept of the PUD proposal. Therefore, the petitioners have moved forward to develop a more complete PUD package and are requesting additional discussions with the Planning Commission.

The issue of the applicability of the PUD provisions to this proposal, have not changed since March of 2001 and are as follows:

- A. Are the predominant uses consistent with the intent of the Master Land Use Plan;
- B. Are the physical features of the proposed development, such as building height and bulk, setbacks, and development density consistent or compatible with the adjacent areas;
- C. Open space and landscaped areas are intended to be a primary feature of the PUD. Is there substantially more open space area than required for typical developments within the underlying Zoning District, recognizing that most of the wetlands, approximately 20 acres, are State regulated and would be preserved to some degree;
- D. Stormwater detention shall be provided in open unfenced basins or underground. The petitioner is proposing detention within the wetlands and no other detention is indicated;
- E. Parking shall meet the Zoning Ordinance standards, which appears to be feasible and ;

- F. It is intended that the PUD will be implemented as a single coordinate and cohesive development.

The Planning Department recommends that the Planning Commission provide input to the petitioners regarding the proposed PUD. Then, City Staff can meet with developer and clarify specifically the necessary revisions and additional information required. Once the complete information is provided, City Staff can conduct a complete review and submit the proposal to the Planning Commission.

Mr. Chamberlain commented on increasing the height and that we need more site data because the site has expanded from 80 to 90 acres. If we go this route, we are going to need street vacations. We'll require minimal sidewalk provisions. Would like to see a little more effort made for provisions for pedestrians and who will eventually own the wetlands.

Mr. Chamberlain also stated that another issue is the office use being inconsistent with the Master Land Use Plan. This is the biggest question for the Planning Commission. We need to look at that closely and provide some information to the developer. One thing we looked at in this area was residential, and just by itself, the density average is 1.4 units per acre including the wetland. He was also puzzled by the large amount of parking spaces for the church and asked why so many spaces.

Mr. Chamberlain asked if the future Senior Housing is identified to be completed in the future. This will need to be addressed. City Staff requires more detailed information. Further, stated that a PUD shouldn't identify future uses. Any vacant area as approved, will remain vacant. The whole concept of a PUD is that the whole 80 or 90 acres will be a planned development including all uses.

Mr. Chamberlain stated the major issues include; site plan information, encroachment on the north border by other properties, tree preservation, walkability, senior housing, and traffic impact.

Mr. Starr commented that a PUD basically becomes an amendment to the City Ordinances and Charter and that there is no time limit. The future and proposed uses are a problem and should be clarified.

Mr. Chamberlain stated to the petitioner that this is an informal meeting and asked the petitioner when they would be ready to submit for formal consideration.

Andrew Milia, joint petitioner with Troy Baptist, Franklin Properties, and Robertson Brothers were present to answer questions and provide more input. He stated more detailed information was provided and that Mr. Jehle will make a presentation.

Mr. Chamberlain stated he wanted 3-D models before next study meeting, not after.

Mr. Jehle, Robertson Brothers Co. stated that we have acquired all the backyards but two on the north boundary. Rochester Villa is to the south of our site and Alibi restaurant is to the north. There are 89 acres of which Troy Baptist currently sits on 9 ½ acres with 97,000 square feet of church. There will be 140,000 square feet of church in second phase. There is an overlapping situation of church services and that is why there is such a large parking area.

Office building area is 40,000 square feet and will be next to the Alibi restaurant.

Since we met with the Planning Commission in March, we have pulled together a series of the prominent brokers that sell homes in the City of Troy to determine what might be possible here and what were their thoughts of residential on Rochester Road. Their opinion is that the office would provide a barrier for residential uses. There will be 142 condominiums.

He further stated that commuting patterns are different for these types of condominiums. There is not the normal peak volumes because the residents don't normally have jobs.

The Church's peak volume is all on Sunday. A pedestrian walkway system is provided, which allows access to the office.

There is also included an environmental trail system in the wetland area.

The stormwater detention is proposed in the wetlands. This can be accomplished with an earth and berm system. In addition, there is consideration to plan for a 10 year storm.

He further stated that Mark Miller and City Staff provided a mailing list of adjacent property owners and we met with the neighbors. As a result of neighbors' input, we moved buildings away from the east property lines. The site plan in the notebook is the most recent version.

Mr. Kevin Johnson, Troy Baptist Church, presented the Church's proposed building elevations and site plan. He added that there are three separate Church services held on Sunday and that each service is represented by 2,100 to 2,300 people at a time.

Mr. Chamberlain stated that everything that is to be built will be shown on the PUD documents and site plan. We want to see it all right now. That's what a PUD is all about.

Mr. Johnson stated that they do not have the proposed senior housing. He also commented on protecting landmark trees and reviewed floor plans and site plans. He stated there will be a preschool area, and 1,150 parking spaces. Further he stated that the problem is the congregation's size. We've looked at what we need to do in this phase to accommodate our congregation now and 20 years from now.

Mr. Chamberlain stated that on Rochester Road, the entrances need to accommodate pedestrian access. Walkways are needed on both sides and one right through the middle of the parking lot, so that pedestrians have safe access. He recommended that the final plans should have considerable sidewalks to access the facilities. Rochester Road sidewalks and connection to Emerald Lakes is necessary for pedestrians. Troy is trying to become a walkable community, with pedestrian safety as being very important.

Mr. Kramer asked for pedestrian connection to Emerald Lakes.

Further he stated, paths should provide access through the flood plains and wetland areas. He asked if this would be usable at all times without flooding.

Mr. Jehle stated the walkway would be designed so it will not be under water; therefore, making it usable.

Mr. Jehle stated that soil conditions and water levels are bad but that most of these condominiums will have basements.

Mr. Kramer commented that he knows the petitioner's will meet the City and State codes relative to fire safety, but will sprinklers be used.

Mr. Jehle stated that the use of block common walls will stop fires between units.

Mr. Kramer stated that the Cherry Hill development built by Biltmore, have sprinklers in the townhouses.

Mr. Robertson stated that with 28 years experience, masonry wall works. If we used sprinklers, there would be no solid wall and then no sound barrier. The wall goes all the way to the roof. Robertson has had fabulous acceptance from residents and is good soundproofing and fire proofing.

Mr. Storrs stated he was still concerned about traffic on south side of the site. He would like to see the primary traffic flow be away from the Rochester Villas.

Mr. Johnston stated that the main entrance will be one way in and one way out.

Mr. Storrs stated that there are a lot of activities, i.e., athletic field, gym, etc. Primary goal is the traffic flow right behind the units that I am concerned about.

He also stated he was concerned about the office and that we have residential across Rochester.

Mr. Chamberlain asked the petitioners when they were planning on bringing this in front of the city.

Mr. Jehle stated 30 days.

Mr. Chamberlain stated he does not want to see any walls with footings that may kill off trees, use pilings to save trees.

Mr. Kramer commented that if we don't see any lights on the soccer field, we can interpret that to mean there won't be any lights on the soccer field in the future. A lighting plan should be provided and should not impact the neighbors.

Mr. Jehle asked what would the requirements be for walls and fencing if we could do it under a PUD. Would prefer to use landscaping rather than walls.

Mr. Chamberlain stated wherever you are required to put a fence, we don't want one with footings. Another concern, is the residential and the lack of sidewalks. The Future Land Use Plan is trying to make Troy a walkable community. We would like to see sidewalks on both sides of the residential road.

Mr. Robertson stated they have looked at sidewalks, but they will reduce the open space and some of the natural features. In the course of their experience since 1973, they have found that this type of market does not need sidewalks. Also, the trip generation is very low so sidewalks aren't necessary.

Mr. Chamberlain stated that in his opinion sidewalks are to be required on both sides of the road.

Mr. Miller commented that the City Traffic Engineer wants a Traffic Impact Study.

Mr. Chamberlain stated that he does not see the Planning Commission being ready to hear this in 30 days.

Mr. Storrs asked if there is going to be pedestrian access to Emerald Lakes and Eister and Suburban Homes Subdivisions.

Mr. Jehle stated yes, they can do pedestrian access.

Mr. Robertson asked if the Planning Commission would consider the December meeting.

Mr. Chamberlain stated that it will not be easy to make December. It will probably be tabled until January.

Mr. Robertson stated their development proposals can always get tabled.

Mr. Chamberlain commented that if we don't set that public hearing, we are going to be really behind. He also stated that City Staff needs a traffic impact statement. He further stated that we could tentatively set this for December and he also questioned the timeframe that notices need to go out to the public before the public hearing.

Mr. Miller commented notice needs to be given 5-15 days prior to the meeting.

Mr. Chamberlain stated that the petitioners need to get with Mr. Miller to provide 3D models of the whole site. Mr. Miller will talk with you about that.

Mr. Storrs commented that back in March we discussed reasons on why we think there should be a PUD here. He also asked why there is an office use.

Mr. Robertson answered that it is a double edge situation that we are dealing with. No one wants the church next to a bar. Robertson doesn't want residential on Rochester Road. Therefore, the office building will look very residential and will fit right in with the proposed uses.

Mr. Storrs stated that it's not how the office building would look or function, the problem is zoning. It creates a zoning problem across Rochester.

Ms. Lancaster commented on the Rabbani zoning litigation, where O-1 was denied by the City and this PUD could affect this case.

9. PUBLIC COMMENT

Ian Coffey, 1146 Hartwig, stated his concern over the PUD. He has been at every meeting with Troy Baptist. He stated his concern over the density and traffic problems. Traffic in that area is already bumper to bumper from approximately 5:15 to 6:00 P.M. Setbacks are a problem. Troy Baptist originally stated in the infancy of this project that they were not going to build a lot of units. Then the second meeting they presented a clubhouse. He stated concern about having a condominium complex next to his back yard. His neighbors feel the same about the project. There is not a lot of setback when comparing houses and condominiums. His opinion was that his property value is going to be reduced.

Mr. Johnston, Troy Baptist Church, stated that he was approached by a cell phone company. He asked for the Planning Commission's opinion and comments about placing a cell phone tower on their property.

Mr. Chamberlain remarked that Mr. Johnston should look at the ordinance requirements.

Mr. Miller stated that if the antennae was placed on the Church as opposed to a free standing tower, only a building permit is required.

Mr. Starr stated it could be integrated into the church steeple

PUBLIC COMMENT CLOSED

GOOD OF THE ORDER

Mr. Miller commented to the members going to the Michigan Society of Planning Conference and to make sure all receipts are in order and keep track of all mileage.

Mr. Kramer stated he could make available the site plans from Cherry Hill Village if anyone was interested. He questioned if this will survive ten years from now.

Mr. Chamberlain stated that this is our first PUD and we have to do it right. The Planning Commission and Planning Department should not be rushed because mistakes cannot be made.

MEETING ADJOURED 9:45 P.M.

Respectfully submitted,

Mark F. Miller
Interim Planning Director

Advisory Committee for Senior Citizens
Minutes of November 1, 2001

Present: David Ogg, Member Steven Banch, Member
Jo Rhoads, Member Ed Forst, Member
Merrill Dixon, Member Bill Weisgerber, Member
Jane Crowe, Member Marie Hoag, Member
Lawrence Jose, Member Carla Vaughan, Staff

Excused: None

Absent: None

Visitors: Eloise Huston

Approval of Minutes: Motion by Larry Jose, supported by Bill Weisgerber that the minutes of October 4, 2001 be amended as follows: Bill Weisgerber feels that City Hall should budget for discounts for low income, **seniors and disabled**. Ayes: All Nays: None MOTION CARRIED

Old Business:

Community Center Update: No report.

Suggestion Box: Following up on an earlier suggestion regarding unpleasant volunteers in the lunchroom, Merrill Dixon, Jo Rhoads and Carla Vaughan met with Jean Moseley to discuss the problem. Steve Banch met with two of the volunteers in question. It was moved by Merrill Dixon, seconded by Bill Weisgerber, that the committee would review the situation at their December meeting.

Fees for Senior Programs: Bill Weisgerber distributed copies of a packet of information that went to City Council regarding fees at the new Community Center. A discussion was held. The Committee decided to make three recommendations to City Council: It was moved by Bill Weisgerber, seconded by Larry Jose, to recommend that the fitness area be free the first month it is open to attract more potential members. Ayes: 8. Nays: 1. MOTIONED CARRIED. It was moved by Bill Weisgerber, seconded by Ed Forst, to recommend that low-income persons receive a 30% discount rather than a 10% discount on the membership fee. Ayes: 9. Nays: 0. MOTIONED CARRIED. It was moved by Bill Weisgerber, seconded by David Ogg, to recommend that discounts should be provided through City Hall and not the Parks and Recreation Department. Ayes: 9. Nays: 0. MOTION CARRIED.

New Business:

Number of Newsletters Distributed: Carla Vaughan reported that 3400 senior newsletters are mailed each month. In addition, 400 are distributed at Oakland Park Towers and 400 are distributed at the Community Center.

Decaffeinated Coffee: Carla Vaughan reported that the kitchen staff did make decaffeinated coffee for one week and on three days about half of the 60 cups brewed were used. Of the other two days, 10 cups were used one day and 50 cups were used the other day. There have not been any requests since for decaffeinated coffee and it has been discontinued for the time being. The kitchen staff is willing to make it again if we get any more requests.

Other:

Member Comments: Mr. Ogg asked why Troy has a higher suggested donation for lunch than Madison Heights. Carla will ask someone from Emerald Kitchens to attend the December meeting. Bill Weisgerber will seek copies of all contracts related to the meals program.

Jo Rhoads was concerned about the limited number of flu shots that Oakland Parks Towers received for their clinic. Carla reported that quantities are limited this year and we expect to run out at the Community Center also. Carla referred Jo to Penny Brown at the Oakland County Health Department for more information.

Larry Jose (and several other members) had not received their newsletter. Carla reported that they were mailed last week and the Post Office has up to five days to deliver them.

Ed Forst reported that the minutes on the City's website are several months old. Carla will forward his concern to the Community Affairs Department.

Parks and Recreation Report: Larry Jose reported that Carl Simmons attended the September meeting and reported that the woodchucks are getting in under the fence. Possible changes to Sylvan Glen were discussed and work has started on the new golf course. A cricket field is being built.

Troy Medi-Go Plus Report: Jo Rhoads reported the Medi-Go has a new office at Niles School and a new phone number.

Nutrition Report: There were **1250** meals served in the Troy Community Center in **September**. The average donation was **\$1.72**. **1438** homebound meals were delivered.

The meeting was adjourned at 11:55 am

Respectfully submitted,

Carla Vaughan
Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES - DRAFT – NOV. 7, 2001

The Chairman, Leonard Bertin, called the meeting to order at 7:00 pm Wednesday, November 7, 2001.

Present:	Leonard Bertin, member	Nancy Sura, member
	Angela J Done, member	Dick Kuschinsky, member
	Dorie House, member	Nancy Johnson, member
	John Rodgers, member	Sharon Lu, student rep
	Jerry Ong, student rep	Mitch Grusnick, staff
	Cynthia Buchanan, member	Mary McGinnis, staff

Absent:	Phillip D'Anna, member	Sharon Connelly, member
	Mary Ann Butler, alt member	
	Kul Gauri, member	

ITEM B – APPROVAL OF MINUTES OF MEETING OF OCTOBER 3, 2001.

Motion by Kuschinsky to approve Minutes. Supported by Sura.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

No Visitors

ITEM D – NEW BUSINESS

Bertin stated that both Phillip D'Anna and Nancy Sura have declined re-appointment to this Committee. Phillip D'Anna has a conflict with the meeting dates, and will seek appointment to another Committee that meets at a different day. Nancy Sura still plans to participate and will not leave until a replacement is found.

Cynthia Buchanan is currently appointed as an alternate member and should be moved to member status. Bertin made a resolution to make a request of City Council that Cynthia Buchanan become a permanent member of the Advisory Committee for Persons with Disabilities. Dorie House seconded the resolution. All voted in favor.

Sura stated that she had been with the Committee for seven (7) years and it was time to pursue other avenues. Bertin asked that the Committee continue to diversify and would like to concentrate on someone that has experience with developmentally disabled now that Sura is leaving. Johnson suggested a blind or hearing impaired individual would be a good choice. Bertin made a motion that Nancy Sura continue to receive the Minutes of the Committee meeting. Bertin will ask Cindy Stewart to put a request in the Troy Today for new members, and will contact the Recording for the Blind on Rochester Road to see if they have a resource for a new member.

A Disability Recognition Day discussion will be placed on the December 2001 Agenda.

ITEM E – REGULAR BUSINESS

Bertin and Sura attended study sessions on the fee structure for full use of the new Community Center. Basically what is available at the Community Center now is what will be available without fees at the new facility. It appears the fee schedule would be \$90.00 per person, \$90.00 additional for each family member annually or \$450.00 per family of four. This fee would include access to the pool, cardio vascular workout room, therapy pool and gym.

At the end of this study session it was recommended that persons with disabilities and senior citizens be given a 10% discount.

Sura stated that she is opposed to this fee structure because everyone who wants to enjoy full use of the Community Center may not be able to afford these fees; everyone agreed.

Kuschinsky asked who was promoting this fee schedule. Bertin responded that the Administration does not want to raise the taxes in Troy, and therefore a fee for services is necessary to cover operation costs.

Bertin will send an invitation to the City Council members to join the Disabilities Committee for “Cake and Conversation” at the December 2001 meeting. The discussion will be based on the visions and goals of the disabled for use of the new Community Center.

The student representatives of the Committee, Ong and Lu, will compile a “Petition of Interest” to be circulated at both High Schools. This petition will measure the attitude teenagers have in paying fees for using the facilities at the Community Center and if they believe it is affordable for their families.

ITEM F – OLD BUSINESS

Bertin has received Advisory Committee for Persons with Disabilities Business Cards from the City. These cards have Mitch Grusnick's phone number on them. Bertin will share them with any member who needs them. Bertin would also like to inquire if it would be possible for the Committee with Disabilities to have their own e-mail address.

Brian Francisco did receive an award last month for his community service from Leadership Troy. Francisco has held a monthly dance for young adults with disabilities for the past 12 years.

Bertin stated that the “Disabilities Today” show that was filmed here in October would air sometime in January 2002.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES - DRAFT – NOV. 7, 2001

Bertin moved on to the ADA Self Evaluation form. Grusnick distributed a new evaluation by the City of the Nature Center. Bertin stated that several facilities were not in existence at the time of this evaluation and suggests it might be time to add new ADA Evaluation.

Grusnick reported that the approach to the main doors and front sidewalk of the Troy Library has been repaired and is not a hazard anymore. The photo eye has been repaired and the exterior lighting is back on. Also, a “No Parking or Standing” sign will be installed at the front entrance drive, which should discourage drivers from blocking in handicap parking spaces.

ITEM G – INFORMATIONAL ITEMS

ITEM H - ADJOURN

Motion was made to adjourn by Kuschinsky and seconded by Bertin. Meeting was adjourned at 9:00 p.m.

MG:mm

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:35 A.M. on Wednesday, November 7, 2001.

PRESENT: Ted Dziurman
Rick Kessler
Bill Need
Rick Sinclair
Frank Zuazo

ALSO PRESENT: Mark Stimac
Ginny Norvell
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES – MEETING OF OCTOBER 3, 2001.

Motion by Need
Supported by Nelson

MOVED, to approve the minutes of the meeting of October 3, 2001 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. BEVERLY COLWANDER, REPRESENTING ELF SHELF ARTS & CRAFT SHOW, for relief of Chapter 78 to place 75 off-site signs advertising a special event for a period of 8 days.

Mr. Stimac explained that the petitioner is requesting relief to place 75 off-site signs advertising the Elf Shelf Arts & Craft Show for a period of 8 days from November 18, 2001 through November 25, 2001. Section 14.03 of the Sign Ordinance limits the number of off-site signs to four (4). Section 14.02 of the Sign Ordinance permits off-site signs to be in place for a maximum of seven (7) days.

Ms. Marilyn Johnson, representing Elf Shelf Arts & Craft show was present and stated that the reason they are requesting eight (8) days is because it is much easier for the persons responsible for putting out the signs to do it on a Sunday. Ms. Johnson went on to say that in November 2000 they had received a similar variance for 75 off-site signs for a period of 8 days and wished for the same request for this November.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written objections on file. There is one (1) written approval.

Mr. Need asked how many people are responsible for the signs and Ms. Johnson stated that they have a committee of eight. Ms. Johnson also said that they have always made sure that the signs were taken down the day after the Craft Show.

ITEM #2

Motion by Need

Supported by Kessler

MOVED, to grant Beverly Colwander, representing Elf Shelf Arts & Craft Show, relief of Chapter 78 to place 75 off-site signs advertising a special event for a period of 8 days from November 18, 2001 through November 25, 2001.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. AMERICAN FREIGHT, 205 PARK, for relief of Chapter 83 to install an electrically charged fence.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install an electrically charged fence at 205 Park. The site plan submitted indicates the placement of a 10' high electrically charged fence along the boundary lines of this property. Chapter 83, paragraph 3 prohibits the placement of this fence between the building line and the front property line along Park Street. Chapter 83, paragraph 4, also prohibits the use of an electrically charged fence.

Mr. Don Davis, Manager of American Freight, and Mr. Bill Mullis, representing Sentry Security Services, Inc. were present. Mr. Davis stated that his business has suffered from two break-ins within the past year and he felt that this fence would deter someone from entering the property. Mr. Davis went on to say that one of his drivers had discovered the second break-in while it was still in progress and called the police. Mr. Davis stated that someone had cut a hole in the back of the fence and pulled a stolen cube van on the property. Mr. Davis also said that Sergeant Zimmerman of the Troy Police Department had informed him that this van was stolen from a company in Kalamazoo, and the police believe that trucking companies have been targeted.

Mr. Mullis informed the Board that this system was being installed inside the existing fence line. Mr. Mullis went on to say that it is a 12-volt system, and since it is installed inside the existing perimeter fence there is no exposure to the general public. Mr. Mullis also said that there is a built-in alarm system and when the power is off for three seconds an alarm will go off and alert the company to the possibility of a break-in. Mr. Mullis pointed out that this property is located on a dead end street and that there is a buffer zone of grass and open fields on one side and the back of a small strip mall on the other. Mr. Mullis also said that there are posted signs every 50' which would warn people that there is an electrically charged fence.

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Mr. Need asked how close this fence would be to the existing fence and Mr. Mullis stated that it is installed within 6" of the existing fence. Mr. Mullis also said that the existing fence is 6' high with 3 strands of barbed wire at the top. Mr. Need then asked how the gate would be protected and Mr. Mullis stated that authorized personnel would have a code, which would deactivate the fence. Mr. Mullis went on to say that they do not have any false alarms with this system.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written objection on file. There are no written approvals on file.

Chief Nelson asked if the petitioner had met with the Crime Prevention Bureau to determine if there were other options available. Mr. Davis stated that he had only spoken with Sergeant Zimmerman. Chief Nelson expressed concerns over safety issues regarding his personnel, if they were to be involved with fighting a fire in this location. Mr. Mullis assured him that he would be willing to work with him and if necessary provide a kill switch that the Fire Department would have access to.

Motion by Need
Supported by Nelson

MOVED, to postpone the request of American Freight, 205 Park, for relief of Chapter 83 to install an electrically charged fence until the next regularly scheduled meeting of December 5, 2001.

- To allow the petitioner the opportunity to contact the Crime Prevention Bureau to determine if there are other alternatives available.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL MEETING OF DECEMBER 5, 2001
CARRIED

ITEM #4 – VARIANCE REQUEST. ALLIED SIGNS, INC., REPRESENTING BAHAMA BREEZE, 539 E. BIG BEAVER, for relief of Chapter 78 to install a wall sign, 60.4 square feet in size at 539 E. Big Beaver.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to install a wall sign 60.4 square feet in size. Section 9.02.03, D of the Sign Ordinance limits the size of a tenant wall sign to 20 square feet in size. The proposed sign exceeds the size of wall sign allowed.

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Mr. Jack Degargne, of Bahama Breeze and Mr. Bill Macrum, of Chandler Signs were present. Mr. Macrum stated that this sign is a registered trademark of Bahama Breeze and that since the sign consists of both upper and lower case letters, only three of the letters in the sign would exceed 15". Mr. Macrum went on to say that the size of the sign is limited due to the fact that the restaurant is attached to an office building. Mr. Dziurman asked what size of sign would be allowed if this were a free-standing building and Mr. Stimac stated that a wall sign could be 10% of the front face of the building, and in this case a 60.4 square foot size would be allowed however in this zoning district free standing restaurants are not permitted.

Mr. Dziurman then asked if this was neon sign and when it would be lit. Mr. Macrum stated it was a neon sign and would be put on a time clock. Mr. Degargne stated that the sign would remain on during the hours of operation.

The Chairman opened the Public Hearing.

Ms. Sandra Predium, 440 Hartland was present and stated that she objected to this variance. Ms. Predium went on to say that since the construction of this building began, she and her neighbors have had a great many problems with this development. Ms. Predium also said that she is very concerned about the noise from the restaurant and also was worried about the lights shining into her home. Ms. Predium indicated that she had attended the Liquor License meeting and at that time, Bahama Breeze had promised the residents that they would install extra trees in order to help keep the noise and light levels down. Ms. Predium stated that she has written them many letters, but has not received a response and the trees are still not planted. Ms. Predium also said that Mayor Matt Prior had asked Bahama Breeze to plant extra trees in order to keep the neighbors happy.

Mr. Zuazo asked if Ms. Predium had requested the extra trees to block off the parking lot lights and Ms. Predium stated that it was not only for the lights, but also for the noise. Mr. Degargne stated that he had been to the site, and he thought that the area behind the restaurant was heavily wooded. Ms. Predium stated that there were a number of trees that were removed during the construction and thus feels that the extra plantings are necessary. Ms. Predium also said that that the commitment made by Bahama Breeze could not be put in writing at the Liquor License hearing, but this commitment was made verbally.

Chief Nelson asked if the City had a standard regarding how much light is permitted, and Mr. Stimac stated that it does, and he would have the lighting checked by Building Department personnel to determine that it is compliance with the Ordinance.

Mr. Need stated that he was concerned about the relationship of Bahama Breeze with the neighbors and felt that provisions should be made to make sure that Bahama Breeze honors the commitment they made. Mr. Degargne stated that he has the

ITEM #4

authority to state that Bahama Breeze will honor this commitment and he will make sure that these extra trees are planted.

Mr. Joe Perazza, owner of the office building was present and he stated that he can remember that Bahama Breeze had made a commitment to the neighbors to plant the trees and that is was stated at the Liquor License hearing that a Temporary Certificate of Occupancy would not be issued until these trees were planted.

Motion by Kessler
Supported by Need

MOVED, to grant Allied Signs, Inc., representing Bahama Breeze, 539 E. Big Beaver, relief of Chapter 78 to install a wall sign, 60.4 square feet in size.

- Petitioner will plant between 10 and 15 evergreen trees, 12 to 14 feet tall along the back of the property.
- Petitioner will meet with neighbors and go over landscape designs.
- Building Department personnel will determine that lighting is in compliance with the guidelines in the Ordinance.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 9:20 A.M.

MS/pp

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, November 14, 2001, at the Public Works Building. The meeting was called to order at 3:00 p.m.

PRESENT: Mark Calice
Robert Crawford
Mark Halsey
Thomas Houghton, Chairman
John M. Lamerato
Anthony Pallotta
John Szerlag (arrived 3:25 p.m.)

MINUTES

Resolution # 01-45

Moved by Pallotta

Seconded by Crawford

RESOLVED, that the minutes of the October 10, 2001, meeting be approved.

Yeas: All 6

Absent: Szerlag

RETIREMENT REQUEST

Resolution # 01-46

Moved by Pallotta

Seconded by Halsey

RESOLVED, that the duty death retirement of Charles Mulvihill, 9/10/01, be approved.

Yeas: All 6

Absent: Szerlag

OTHER BUSINESS

Investment Policy

The Board will continue their review of the current investment policy at the December Board meeting.

Retirement Service Credit

The Board will continue their review of the credited service provisions of the City Code at the December Board meeting.

The next meeting is December 12, 2001 at 3:00 p.m. in Conference Room “C” at City Hall.

The meeting adjourned at 4:22 p.m.

A meeting of the Troy Charter Revision Committee was held Tuesday, November 20, 2001, at City Hall, 500 W. Big Beaver Road. Assistant City Manager/ Finance and Administration Lamerato called the Meeting to order at 3:00 P.M.

Roll Call: **PRESENT:** Lillian Barno, Daniel Bliss, Shirley Kanoza, Diane Kasunic, Mark Solomon
 ABSENT: Robert Noce, Cynthia Wilsher
 ALSO PRESENT: City Attorney Lori Bluhm, Assistant City Manager/Finance and Administration John M. Lamerato, City Clerk Tonni Bartholomew, Assistant to the City Manager Laura Fitzpatrick

Appointment of Chairperson and Vice-Chairperson: Member Bliss appointed as Chairperson and Member Kanoza appointed as Vice-Chairman by unanimous consent.

Approval of Minutes: Motion by Kanoza, seconded by Barno, CARRIED UNANIMOUSLY: To approve the Minutes of January 5, 2000 as submitted.

Excuse Members Noce and Wilsher: Motion by Kanoza, seconded by Barno, CARRIED UNANIMOUSLY: To excuse members Noce and Wilsher from the meeting of November 20, 2001.

New Business:

Ballot Language – Natural Features: City Attorney Bluhm briefly reviewed the history of the proposed language. She indicated that January 7, 2002 is the target date for submittal of the language to the City Council for their consideration and possible approval. She noted that the language is not a proposed Charter revision and is before the committee at the request of Council.

The Committee reviewed the proposed ballot language. There was some concern with the language not being impartial. The Committee recommended the removal of the words “preserving” and “improving” and the removal of the words after the word “habitats”.

The Committee indicated that they would like an opportunity to review the back-up materials and consider the item at their next meeting.

City Attorney Bluhm will revise the proposed language and submit it to the Committee for their consideration at their next meeting.

Compensation of City Council: City Attorney Bluhm noted that this matter is before the Committee because of a citizen’s concern and not at the request of Council. Member Kanoza noted that the Committee reviewed this in 1999 and did not believe anything has changed since that review. She believes that the Compensation Committee proposal is still the best way to handle this concern. The Committee reviewed the history of the request as well as Councilman Howrylak’s request for consideration of an amendment to the Charter to provide for a provision to prohibit the City Council from adopting a pension plan for elected officials or the Planning Commission. It was noted that the Compensation Committee Charter Revision was placed before the voters in 2000 and the request failed. Per the Home Rule Cities Act,

due to the failure of the proposed Charter Amendment, the request cannot be placed before the voters for a period of two years. The Committee requested a survey of what other cities are paying their elected officials. This item is to be placed on the next agenda for further consideration.

Assistant City Manager Lamerato asked the Committee if they would like additional time to review the compensation issues and consider them at the next meeting. This item will be considered at the next Committee meeting.

City Election Date: City Attorney Bluhm reviewed the request. She indicated that there might be State Statutes governing the actual day of the election. City Clerk Bartholomew reviewed proposed Election Consolidation Bills. The Committee indicated they wished to hold off on reviewing while the State Legislature is actively considering the matter.

Charter Amendment Petitions: The Committee requested the number of signatures required by State Statute and how it differs from the Charter. This item will be placed on the next agenda for consideration.

Allow Citizens to Petition for a Voter Review of Ordinances: The Committee reviewed the request. No action was taken.

Vacancies in Elected Office: City Attorney Bluhm stated that this issue came up during the last City Election when Council Member Allemon resigned from his Council seat in order to run for the Office of Mayor. At that time, concern was raised regarding his vacancy and whether Elected Officials should be required to resign whenever they run for an elected office at any level of government. This item will be placed on the next agenda.

Codification of City Charter: City Attorney Bluhm noted that the Charter has not had a complete review for many years. She explained the benefits of a complete codification and the possibilities of an elected Charter Revision Commission. The Committee indicated a desire to review the Charter in phases or by sections.

Other Business:

Scheduling of Next Charter Revision Committee Meeting: The Charter Revision Committee will meet on Tuesday December 4, 2001 at 3:00 PM in Conference Room C.

Adjournment: Motion by Kanoza, seconded by Barno, CARRIED UNANIMOUSLY: To adjourn the meeting.

Adjournment: 4:30 PM

Daniel Bliss, Chair

Tonni L. Bartholomew, City Clerk

November 27, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark F. Miller, Planning Director

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING-PROPOSED REZONING
(Z-674) DECEMBER 17, 2001 – North side of Maple, West of Livernois,
Section 28, B-2 to H-S

A public hearing is scheduled for the December 17, 2001 City Council meeting for the above noted rezoning request. C-4 Motion has submitted a rezoning request for a 0.7343 acre/31,984 square foot parcel located on the north side of Maple and west of Livernois. Current zoning classification is B-2 Community Business and the proposed zoning classification is H-S Highway Service. Subject property has 60 feet of frontage on Maple and is 533 feet deep, which its shape and size limit the potential development capabilities. The petitioner states the intent to utilize the subject property as an exterior auto wash. The Planning Commission minutes will be provided for the public hearing.

The subject property is currently vacant. The adjacent land uses include: the detention area for the industrial buildings to the north, Maple Road and residential development in the City of Clawson to the south, Thunderbird Lanes Bowling Alley to the west, and a small medical office building to the east and the detention area for Hidden Meadows Residential Development to the northeast.

Current Master Land Use Plan designation for the subject property appears to be Non-Center Commercial, although it is clearly at the border with Light Industrial. The adjacent land use designations include: Medium Density Residential to the north, a Major Thoroughfare and the City of Clawson to the south, Light Industrial to the west, and Non-Center Commercial to the east.

Current zoning district classification of the subject property is B-2 Community Business. The adjacent zoning district classifications include: M-1 Light Industrial to the north and west, the City of Clawson to the south, B-2 Community Business to the east and R-1E One Family Residential to the northeast.

Section 23.40.00/01/02/03 of the Zoning Ordinance states that the H-S Highway Service District may be applied when the application of such a classification is consistent with the intent of the Master Land Use Plan and policies related thereto, or with other land use policies of the City, and therefore, on a limited basis, may involve the following types of areas:

Proposed Rezoning
North side of Maple, West of Livernois
Section 28, B-2 to H-S

1. Areas indicated on the Master Land Use Plan for Non-Center Commercial use.
2. Areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area.

The proposed rezoning appears to be consistent with the Master Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. At their November 13, 2001 regular meeting, the Planning Commission recommended approval of the subject rezoning request. Based upon these findings, City Management will recommend approval of the subject rezoning.

Enclosures

Copies: Mark Stimac, Director of Building and Zoning
Steve Vandette, City Engineer
Petitioner, C-4 Motion
File/Z-674
File/Correspondence

MFM/dav

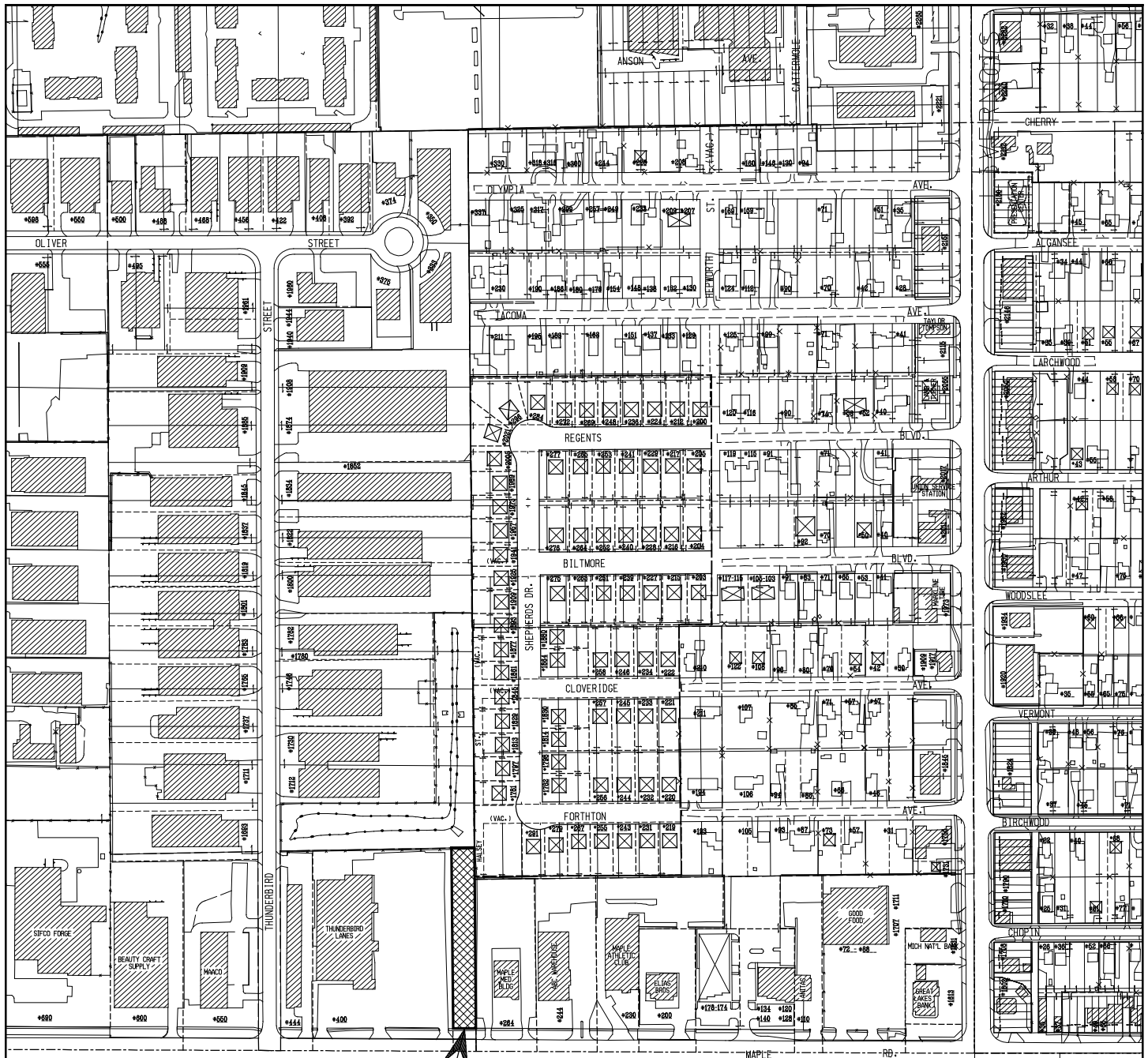
SUGGESTED RESOLUTION

Resolution #2001 –

Moved by

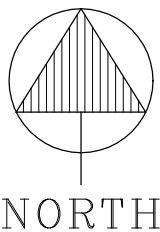
Seconded by

RESOLVED, that the B-2 to H-S rezoning request of a 0.7343 acre/31,984 square feet, located on the north side of Maple and west of Livernois is hereby approved, as recommended by City Management and by the Planning Commission.



REZONING REQUEST
From B-2 To H-S

CITY OF CLAWSON



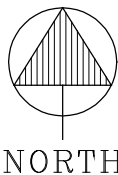
- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION,
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES
ON SITE OR LAYOUT OF STRUCTURES



- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION,
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES
ON SITE OR LAYOUT OF STRUCTURES



REZONING REQUEST
From B-2 To H-S



NORTH

November 27, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark F. Miller, Planning Director

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING-PROPOSED REZONING
(Z-673) DECEMBER 17, 2001 – North of Big Beaver, East Side of
Wilshire, Section 21, R-C to O-S-C

A public hearing is scheduled for the December 17, 2001 City Council meeting for the above noted rezoning request. The Burton-Katzman Company have submitted a rezoning request for their property, 1.857 acres, located north of Big Beaver, on the east side of Wilshire and on the west side of I-75. Current zoning classification is R-C Research Center and the proposed zoning classification is O-S-C Office Service Commercial. Petitioner appears to be assembling a number of properties to develop a high-rise office building. The Preliminary Environmental Impact Statement, Traffic Impact Study Summary and Planning Commission minutes will be provided for the public hearing.

The subject property is currently vacant. The adjacent land uses include: Magna International building to the north; vacant land to the south; an office development to the west, and I-75 and the City of Troy Civic Center to the east.

The current Master Land Use Plan designation for the subject property is High Rise Office. The adjacent land use designations include: High Rise Office to the north and to the south, High Rise and Mid Rise Office to the west and Freeway and Community Facilities to the east.

The current zoning district classification of the subject property is R-C Research Center. The adjacent zoning district classifications include: R-C Research Center to the north, O-S-C Office-Service-Commercial to the south, O-M Office Mid-Rise to the west, and I-75 and C-F Community Facilities to the east.

Proposed Rezoning
North of Big Beaver, East Side of Wilshire
Section 21, R-C to O-S-C

The proposed rezoning is consistent with the Master Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. At their November 13, 2001 regular meeting the Planning Commission recommended approval of the subject rezoning request. Based upon these findings, City Management will recommend approval of the subject rezoning request.

Enclosures

Copies: Mark Stimac, Director of Building and Zoning
Steve Vandette, City Engineer
Petitioner, Burton-Katzman
File/Z-673
File/Correspondence

MFM/dav

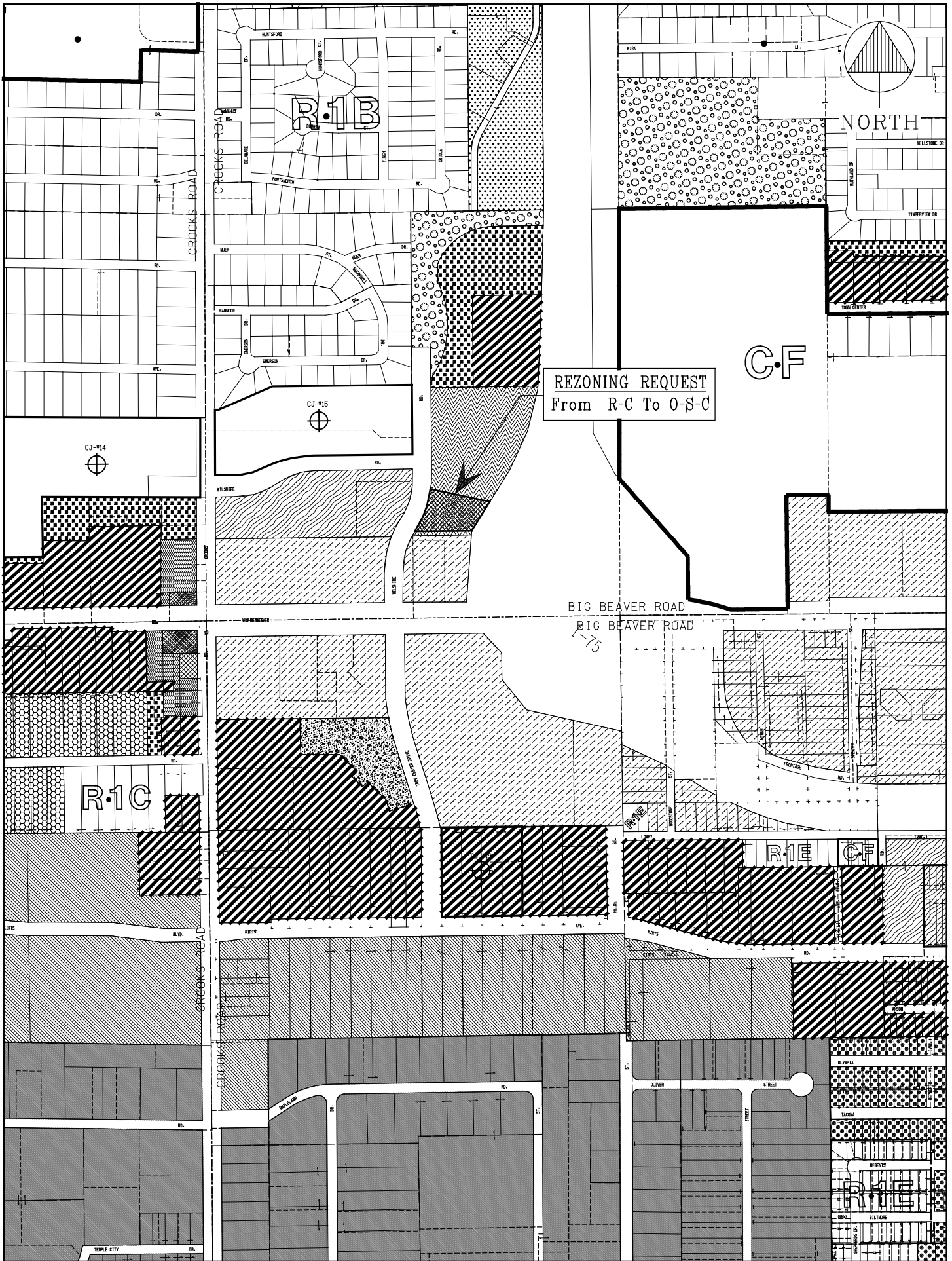
SUGGESTED RESOLUTION

Resolution #2001 –

Moved by

Seconded by

RESOLVED, that the R-C to O-S-C rezoning request of 1.857 acres, located north of Big Beaver, on the east side of Wilshire and on the west side of I-75, is hereby approved, as recommended by City Management and by the Planning Commission.



November 19, 2001

Mrs. Carla Vaughan, Senior Director
Parks & Recreation
3179 Livernois
Troy, MI 48084

Dear Carla:

I took advantage of the program, "Free Leaf Clean-Up for Seniors", and would like to thank Troy People Concerned, Troy Parks & Recreation Department, and Troy Baptist Church for providing that service.

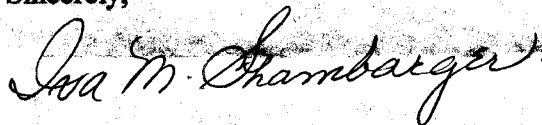
The group that came to my house on November 10, arrived promptly at 11:00 a.m. and worked, with no break, until they were finished at approximately at 2:00 p.m. They were at all times cheerful and determined to help and to please the senior.

I have talked to a few friends that also had this service and they have the same favorable comments.

You have my **Vote** to continue this program in the future.

Again, many thanks.

Sincerely,

A handwritten signature in cursive script that reads "Iva M. Shambarger". The signature is written in dark ink and is positioned above the typed name and address.

(Ms) Iva M. Shambarger
1150 Bradley
Troy, MI 48085-4968

cc: Mr. John Szerlag

Ann M Tyrrell

From: Janet P Kidd
Sent: Thursday, November 15, 2001 10:34 AM
To: Ann M Tyrrell

Theodore Diamond of 848 Longfellow stopped in the DPW today, 11/15/01, just to give his compliments and thanks regarding a repair job done by our Water Dept on his property. A manhole cover in his driveway had raised up and the cement was all cracked. He said the job was very professionally done, and he and his neighbors were very impressed.

October 23, 2001

Mr. M. Pryor, Mayor
Members of Council
City of Troy
500 W. Big Beaver
Troy, MI 48084

RECEIVED

NOV 26 2001

CITY OF TROY
CITY MANAGER'S OFFICE

Dear Members of Council,

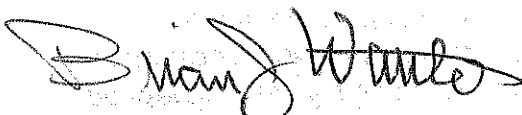
As a Commission member and Chairperson for the Troy Museum and Historic Village, thank you for the opportunity to express my appreciation of Acting Museum Director, Lorraine Campbell.

Within a short period of time following the departure of the previous director, Lorraine and her talented staff have delivered quality educational programs to hundreds of children, maintained exclusive exhibits, arranged enrichment presentations and hosted Special Events including the monthly Troy Lecture Series.

As a center for preservation, the clipping files and resource materials housed at the Museum serve as an archival resource for families and research academicians. Additionally, the comprehensive out-reach programs provide scout troops, seniors and special needs populations with both educational and entertainment opportunities.

Along with these obvious benefits, Lorraine has served as a liaison between *The Historical Commission, Museum Guild and The Historical Society* ready to tackle any obstacles affecting future projects. The preparation of budget requirements, status reports, and historic site evaluations has always been timely and thorough. Additionally, submission of The Annual Report provides another example of the effective communication Lorraine and her staff have produced. Despite the frustrations of lead abatement issues, gazebo reconstruction delays and feasibility of moving historic buildings, Lorraine has always been upbeat, enthusiastic and professional.

Thank you again for the opportunity to applaud Acting Director, Lorraine Campbell.


Edward J. Bortner
Sucheta SIKDAR.
Roger Hammer
Avin Lindsey

Sincerely,


Rosemary Kornacki
Chair, Troy Museum and Historic Village

November 14, 2001

To: Mr. Bill Need
Director of Public Works City of Troy
4693 Rochester Rd.
Troy, MI 48098

From: Tony DeFilippis
6069 Country Ridge Dr.
Troy, MI 48098

Re: Recognition of City Employees.

To Whom It May Concern:

I am writing this letter in regards to recognition of two City of Troy Public workers. Mr. Tom Roseware, Field Supervisor and Mr. Tim Ricknak, Department Administrator. Last week a gas line was discovered at my residence, causing a 95% natural gas leak. It had required Consumers Power to maintain a two-day project in the subdivision.

In the midst of all the construction and renovation going on in the City of Troy. I wanted to take a moment to compliment and praise the two gentleman, who found this problem, took the initiative, and put themselves in a position to think about the residents, property, and the well being of their crew. They had maintained contact with all departments and company's involved in this matter. They reassured all homeowners that there property and well being was safe and the matter was being resolved.

Many could have walked away or gone on with their daily activity and put this issue aside. We on Country Ridge Drive don't feel this way. We think these two men did a wonderful job and should be recognized, and commended on a job well done. To the Supervisors, Directors, and Counsel of training and services, we thank and acknowledge that the City of Troy and the workers are dedicated to the safety of the City. Thank you Mr. Roseware and Mr. Ricknak's for going above and beyond the call of duty to ensure "Public Safety" to all the residence. The below signatures of Country Ridge Drive residence say, "Thank you." For letting us know we have professional and caring people who value the safety of our families and us. Job well done!

Sincerely,

6049 Pablo del Pozo

6059 Mr & Mrs Yacobi

6069 Mr & Mrs Anthony C DeFilippis

December 2001

December 2001						
S	M	T	W	T	F	S
2	3	4	5	6	7	1
9	10	11	12	13	14	8
16	17	18	19	20	21	15
23	24	25	26	27	28	22
30	31					29

January 2002						
S	M	T	W	T	F	S
6	7	8	9	10	11	5
13	14	15	16	17	18	12
20	21	22	23	24	25	19
27	28	29	30	31		26

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					December 1
					2
3	4	5	6	7	8
7:30pm City Council - Regular (Chambers)	3:00pm Charter Revision Committee (Conference Room C)	8:30am Bldg Code Bd of Appeals (C) 7:00pm Adv Comm Persons w/Disabilities (LL)	10:00am Sr Citizen Advisory Comm (Comm. Ctr.) 7:30pm Act 78-Lower Level		9
10	11	12	13	14	15
7:30pm Liquor Committee (C)	7:30pm Planning Commission-Regular (Council Chambers) 7:30pm Historical Society (Community Center)	3:00pm Employee Retirement System (C)	7:30pm Parks & Recreation Board-CANCELLED (Comm. Ctr.) 7:30pm Library Board (Lib.)		16
17	18	19	20	21	22
7:30pm City Council - Regular (Chambers)	7:30pm Board of Zoning Appeals (Chambers) 7:30pm Historic District Commission (City Hall (C))	7:30am Downtown Development 7:00pm Cable Advisory Committee (City Hall) 7:30pm Traffic Committee (LL)			23
24	25	26	27	28	29
Holiday - City Offices Closed	Holiday - City Offices Closed				30
31					
Holiday - City Offices Closed					



11/28/01


G-7

12/3 PH-Commercial Vehicle Appeal, 1800 John R
12/17 PH (Cont)-Parking Variance Request, 1477 John R
12/17 PH-Local Law Enforcement Block Grant
12/17 PH-Proposed Rezoning, Sec 28 B-2 to H-S, Craig
12/17 PH-Proposed Rezoning, Sec 21 R-C to O-S-C,
Burton/Katzman

January 2002

January 2002						
S	M	T	W	T	F	S
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27	28	29	30	31		

February 2002						
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17	18	19	20	21	22	23
24	25	26	27	28		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	January 1, 02 Holiday-City Offices Closed 	2 8:30am Building Code Board of Appeals (City Hall (LL)) 7:30pm Joint Council & Adv Comm Per/Disabilities (City Hall (LL))	3 10:00am Advisory Comm/Senior Citizens (Community Center)	4	5
7 7:30pm City Council-Regular (Council Chambers)	8 7:30pm Planning Commission-Regular Session (Council Chambers) 7:30pm Historical Society (Community Center)	9 3:00pm Employee Retirement System (City Hall (C))	10 7:30pm Parks & Recreation Board (Community Center) 7:30pm Library Board of Trustees (Library)	11	12
14 7:30pm Liquor Committee (C)	15 7:30pm Board of Zoning Appeals (Council Chambers) 7:30pm Historic District Commission (City Hall (C))	16 7:30am Downtown Development Authority (City Hall) 7:00pm Cable Advisory Committee (City Hall) 7:30pm Traffic Committee (City Hall (LL))	17 3:00pm Brownfield Redevelopment Authority (City Hall (LL))	18	19
21 7:30pm City Council-Regular (Council Chambers)	22 7:30pm Planning Commission-Study (LL) 7:30pm Historical Commission (Museum) 8:00pm Troy Daze (Community Center)	23	24	25	26
28	29	30	31		

11/28/01

1/15 PH-Proposed Wetlands & Natural Features Ord
1/16 PH-Proposed Wetlands & Natural Features Ord



February 2002

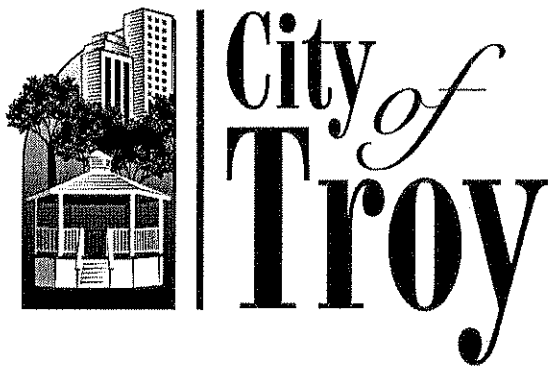
February 2002

S	M	T	W	T	F	S
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24	25	26	27	28		

March 2002

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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				February 1	2
					3
4	5	6	7	8	9
7:30pm City Council-Regular (Council Chambers)		8:30am Building Code Board of Appeals (City Hall (LL)) 7:00pm Adv Comm Per/Disabilities (City Hall (LL))	10:00am Advisory Comm/Senior Citizens (Community Center)		10
11	12	13	14	15	16
	7:30pm Planning Commission-Regular (Council Chambers) 7:30pm Historical Society (Community Center) 	3:00pm Employee Retirement System (City Hall (C))	7:30pm Parks & Recreation Board (Community Center) 7:30pm Library Board of Trustees (Library)		17
18	19	20	21	22	23
7:30pm City Council-Regular (Council Chambers)	7:30pm Board of Zoning Appeals (Council Chambers) 7:30pm Historic District Commission (City Hall (C))	7:30am Downtown Development Authority (City Hall (LL)) 7:30pm Traffic Committee (City Hall (LL))			24
25	26	27	28		
7:30pm City Council Liquor Violation Hearings (Council Chambers)	7:30pm Planning Commission-Study (City Hall (LL)) 7:30pm Historical Commission (Museum) 8:00pm Troy Daze (Community Center)	7:30pm City Council Liquor Violation Hearings (Council Chambers)			



November 27, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, CITY ATTORNEY

RE: TROY V CHUINARD-HOOSE, ET AL
(4174 Livernois)

The above captioned matter is a land acquisition case. The acquisition involved a 27-foot strip of land at 4174 Livernois. This land was acquired as part of the "Livernois Road Project". The City made a good faith offer of \$28,368.56 to purchase the property. The offer was rejected and the City initiated a lawsuit to acquire the property. A "just compensation" payment of \$28,368.56 was made to the property owners.

The case was concluded on November 21, 2001 by the entry of a Default Judgment. No monies, beyond the initial \$28,368.56, were paid. Attached is a copy of the Default Judgment.

If you have any questions regarding this matter, please contact me.

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan
municipal corporation,

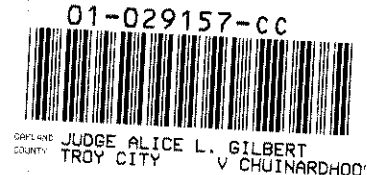
Plaintiff,

v

MICHELLE A. CHUINARD-HOOSE;
PATRICK J. HOOSE; BERNARD J.
CHUINARD; JUDITH A. CHUINARD;
and OAKLAND CATHOLIC CREDIT UNION,

Defendants.

City of Troy-City Attorney's Office
By: Robert F. Davisson (P27970)
Attorney for Plaintiff
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320



DEFAULT JUDGMENT

At a session of said Court held
in the Courthouse, in the City of Troy,
Oakland County, MI
on: NOV 21 2001

PRESENT: HONORABLE ALICE L. GILBERT, CIRCUIT JUDGE

This matter having come before the Court pursuant to Plaintiff's Motion and
the Court having found that;

1. Defendants, Michelle Chuinard-Hoose and Oakland Catholic Credit
Union, have been dismissed from this lawsuit pursuant to consent orders entered
by this Court.

2. On May 30, 2001, defaults were entered against Defendants, Patrick J.

Hoose, Bernard J. Chuinard and Judith A. Chuinard.

IT IS ORDERED:

1. The property interest described in the Declaration of Taking has passed to the Plaintiff by eminent domain and the operation of law. A copy of the Declaration of Taking is attached as Exhibit A.

2. Plaintiff was granted the possession of the property interest described in the Declaration of Taking pursuant to this Court's order of March 7, 2001.

3. Pursuant to this Court's order of March 7, 2001, just compensation in the amount of \$28,368.56 was paid to Defendants.

4. No additional compensation is due to any Defendant.

ALICE L. HOOSE
Circuit Judge

Circuit Judge

DECLARATION OF TAKING

A Statement of Necessity, having been made by plaintiff, City of Troy, setting forth that the widening and improvement of Livernois Road north of Wattles Road to Long Lake Road; some storm drainage construction; and construction of a public sidewalk; (the "Livernois Road Project") is necessary and as a result, it is necessary to acquire certain property interests for public purposes and that a good faith written offer to purchase the property interests has been made.

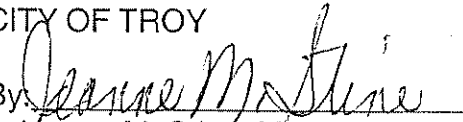
By virtue of the authority vested in the City of Troy by Act 295 of the Public Acts of 1966, as amended, and pursuant to Act 87 of the Public Acts of 1980, it is declared that by filing the Complaint and Declaration of Taking in the Circuit Court for the County of Oakland, the property interests, described below are taken in the name of the City of Troy for public purposes namely, the Livernois Road Project.

A description of the property interests acquired, sufficient for identification, the names of the persons interested in the property, so far as known, a statement of the estate or interest being acquired, a statement of the sum of money estimated by plaintiff to be just compensation for the property interests to be acquired, and whether the City of Troy reserves or waives its right to bring federal or state cost recovery actions against the owners of the property are as follows:

Fee simple title for the Livernois Road Project as described on the pages attached and incorporated herein.

CITY OF TROY

By:


Jeanne M. Stine, Mayor

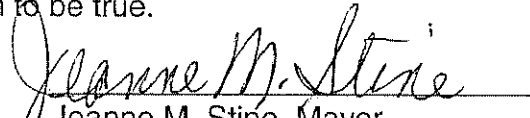
AFFIDAVIT

STATE OF MICHIGAN)


COUNTY OF OAKLAND)

Jeanne M. Stine, being duly sworn, deposes and says that I am the Mayor of the City of Troy, that I make this Declaration of Taking on behalf of the City of Troy and that I am authorized to so do.

I further state that I know the contents of this Declaration of Taking, and that the matters set forth are true, except those matters set forth upon information and belief and as to those matters, I believe them to be true.


Jeanne M. Stine, Mayor

Subscribed and sworn to before me
this 31st day of January, 2001.



Patricia A. Samuilow

Notary Public, Oakland

County, Michigan

My commission expires: 11/21/04

**LIVERNOIS WIDENING
PROJECT NO. 95.201.1
PARCEL 6-E**

FEE ACQUISTION: See attached exhibit "A"

PERMANENT PUBLIC UTILITY EASEMENT: See attached exhibit "A"

REGRADING & TEMPORARY CONSTRUCTION PERMIT/EASEMENT: See attached exhibit "A"

TAX ITEM NUMBER: #88-20-15352-043

INTERESTED PARTIES: Michelle A. Chuinard/Hoose

Unknown address, Sent offer to divorce attorney:

David Clark

3965 Okemos Rd. suite A-2

Okemos Mi 48864

Patrick J. Hoose - divorce attorney for:

4174 Livernois Henry Gornbein

Troy, mi 48098 4190 Telegraph Rd
Bloomfield Hills, Mi 48302-2079

As to a Mortgage - Bernard J. & Judith A. Chuinard
2001 Eagle Point
Bloomfield Hills

As to a Mortgage - Oakland Catholic Credit Union
255 E. Maple & 7875 Cooley Lake Rd.
Troy, Mi 48083-2717 West Bloomfield, Mi 48386-4346

ESTIMATED COMPENSATION: \$ 28,368.56 See attached Valuation Statement for
break down

Exhibit "A"

20-15-352-003

DESCRIPTION OF PROPERTY (20-15-352-003 FROM RECORD)

Lot 77 "McCormick & Lawrence Little Farms" subdivision of part of the Southerly part of Sections 15 and 16, T2N, R11E, Troy Township (now City of Troy), Oakland County, Michigan, as recorded in Liber 20 of Plats, Page 30, Oakland County Records.

Subject to reservations, restrictions, and easements, if any.

Also known as Sidwell No. 20-15-352-003.

DESCRIPTION OF RIGHT OF WAY ACQUISITION

The West 27.00 feet of Lot 77 "McCormick & Lawrence Little Farms" subdivision of part of the Southerly part of Sections 15 and 16, T2N, R11E, Troy Township (now City of Troy), Oakland County, Michigan, as recorded in Liber 20 of Plats, Page 30, Oakland County Records. Containing 2,930 square feet, or 0.0673 acres, more or less.

VALUATION STATEMENT PARTIAL ACQUISITION

DATE: January 24, 2001

FEE OWNER(S): Michelle A. Chuinard/Hoose Patrick J. Hoose	OTHER INTEREST(S): Bernard J. Chuinard, & Judith A. Chuinard As to a Mortgage
4174 Livernois Troy, Mi. 48098	Oakland Catholic Credit Union, as to a Mortgage

Your property has been appraised with values determined from current market data. The compensation offered and set forth in this statement is not less than the approved appraised value. The appraisal(s) used in establishing this compensation have been reviewed with you. The compensation disregards any decrease or increase in the fair market value caused by the project for which this property is being acquired.

If there are multiple parties of interest, a single offer of compensation is made. The compensation distribution is to be determined by agreement of the parties of interest, or by a court, if the parties interested in the property cannot agree.

Market Value Compensation:

Real Property	\$19,400.00
Permanent Public Easement	\$ 650.00
Temp. Const. Ease./Permit	\$150.00
Improvements Gravel -Trees	\$ 8,168.56
	\$
	\$
Total Compensation for Right of Way	\$28,368.56
Uneconomic Remainder	\$

IMPROVEMENT IDENTIFICATION

Following are the buildings, structures, and fixtures which are considered part of the real property and are included in the compensation:

DESCRIPTION	RETENTION VALUE	OWNERSHIP (If different than fee owners.)

PERSONAL PROPERTY

The following personal property within the area of the acquisition is not being acquired: (No values for these items are included in the purchase price.) You will be compensated for the reasonable moving expenses for that property as provided in federal regulations.

Sidwell - 88-20-15-352-043	PARCEL- 6-E	NAME Chuinard/Hoose
JOB NO. 95.201.1	FED. ITEM NO.	FED. PROJ. NO.

5-



11/27/01

TO: MAYOR AND MEMBERS OF TROY CITY COUNCIL
CHARTER REVISION COMMITTEE

FROM: LORI GRIGG BLUHM, CITY ATTORNEY *LGB*

RE: CHANGING ELECTION DATES

I have reviewed the Michigan statutory provisions governing elections, and have determined that if desired, the date of the city elections can be changed from April to November.

Currently, the Troy City Charter provides that the city elections shall occur "on the first Monday in April of each year..." (§ 7.3) This provision mirrors the election provisions under the Fourth Class Cities provisions, which have been superceded by the Home Rule Cities Act.

Under the Home Rule Cities Act, municipalities with a local election date other than November can elect to move to the odd general year elections, which would mean that the elections would be held on the "Tuesday succeeding that first Monday in November" in odd years. (MCL 168.644j) The general elections would be held on that same date in even numbered years. However, changes to the election date would require ordinance changes and also Charter amendments. These changes should be made at least seven months before the regularly scheduled election.

Please let me know if this is something that either Council or the Charter Revision Committee wishes to pursue.

If you have any questions concerning the above, please let me know.

November 15, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Concession Stand Operations Report

Attached is the annual report from the concessionaire for operations in 2001.

This is the fourth year of a five-year contract between Mr. Russell Chavaux and the City.

Contract terms include: the contractor pay the City 15% of the gross receipts, less Michigan sales tax with a \$15,000 minimum annual payment by the contractor.

Gross sales and payments made to the City follow:

Total gross	\$135,458.61
Total gross less tax	\$127,791.15
X 15%	\$19,168.68
Aquatic Center total	\$12,793.44
Parks total	\$6,375.24

CKA/mp

attachment

Russell T. Chavaux
1516 McManus
Troy, Mich. 48084
(248) 643-6202

Carol Anderson
Director of Dept. of Parks & Rec.
Troy, Mich. 48084

Gross Receipts: 10-1-2001 to 11-7-01		Year 2001 Gross
Aquatic Center	.00	\$90406.89
Boulan Park	4403.65	9856.35
Firefighters	1232.50	14331.01
Flynn	.00	20864.36
	<hr/>	<hr/>
	\$5636.15	\$135458.61

Total Gross less sales tax:

$\$135458.61 \div \$1.06 = \$127791.15 \times 15\% - \19168.68
15000.00 amount paid

 $\$ 4168.68$ amount due

Check #1766 in the amount Of \$4168.68 attached.

November 15, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Proposed Conceptual Schemes for the North Side Access to Police Department

In accordance with the direction received at the study session of October 22, 2001 Redstone Architects have prepared conceptual schemes "A", "C", and "D" which they have further defined and developed. Estimated costs are also included.

Also enclosed is a request from Council member Howrylak to perform some modifications to concepts "C" and "D". In response, Redstone has indicated a cost in the range of \$1,800 to \$2,200 to accommodate Mr. Howrylak's request (also attached).

Staff is now seeking direction on how to proceed. And at this point we have two options:

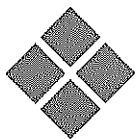
- 1) Advise me to have Redstone Architects perform further modifications to the schematic designs as requested by Council member Howrylak
- 2) Indicate a preferred design and we'll come back with the architect on December 3, 2001 to make a formal presentation along with an amended project budget

Regardless of increased costs for any of the attached schematics, I'm advised that we are currently somewhere between 7% and 10% over the initial schematic design estimate. This equates to about \$1.8 million dollars.

Please feel free to contact Gary Shripka or myself should you have any comments or questions on this matter.

JS/mr\2001\To M&CC\Proposed Schemes from Redstone

c: Gary A. Shripka, Assistant City Manager/Services
John M. Lamerato, Assistant City Manager/Finance & Administration
Charles Craft, Police Chief
William Nelson, Fire Chief
Daniel Redstone, Redstone Architects



**REDSTONE
ARCHITECTS, INC.**

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November 14, 2001

Mr. John Szerlag, City Manager
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Re: Proposed Conceptual Schemes for
North Side Access to
the Police Department
(R.A. Project No. 3318.01)

Dear John:

Following the directives received at the City Council meeting of October 22, 2001, enclosed are conceptual schemes "A," "C," and "D" which we have further defined and developed.

Updated cost estimates for each scheme are also attached. Please note that in order to compare all three schemes, we have shown two phases - 1) Basic Changes to provide for Building Access, and; 2) Additional Site Development phases (for "C" and "D") that reflect expanded plaza concepts.

The concepts shown are not intended to represent a final and complete design for each scheme, but rather to develop a more accurate projection of costs. Please advise me of the Council's decision as to how to proceed with the site design. There will need to be some adjustment to design fees if a more developed scheme is chosen.

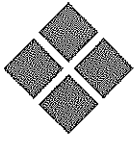
Finally, as you are already aware from prior correspondence, the Design Development Project cost projection is currently somewhere between 7% and 10% over the initial Schematic Design estimate. The increase was caused in part by an approximate 5% increase in the size of the building. The increase in building area and cost was necessary to satisfy program requirements and the accommodate approved scope adjustments.

We have been working with our consultants and The Olson Company to identify cost reductions for your review, and will be presenting our work to you in the near future.

Corporate Headquarters
29201 Telegraph Road,
Suite 400
Southfield, MI 48034-7647
Phone: 248-351-0770
Fax: 248-351-0660
southfld@redstonearchitects.com

11000 W. McNichols,
Suite 219
Detroit, MI 48221-2357
Phone: 313-861-0770
Fax: 313-861-0660
detroit@redstonearchitects.com

<http://www.redstonearchitects.com>



Mr. John Szerlag, City Manager
City of Troy

November 14, 2001
Page 2

Please call me if you need further information.

Sincerely,

REDSTONE ARCHITECTS

Daniel Redstone, President
NCARB, AIA

w/encl.

cc: Mr. Gary Shripka, Assistant City Manager (w/encl.)

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NOTE:
DO NOT SCALE PRINTS
USE ONLY VHS CASSETTE REPRODUCTION

DATE	SHEET NO
1962	SK 01
3318.01	

2025 RELEASE UNDER E.O. 14176



Payroll Bookkeeper
2001 Fairleigh Road
Suite 400
Southport, CT 06488-0507
Phone: 203-361-0370
Fax: 203-361-0660

W700 00 14484000
 Suite 20
 Detroit, MI 48226-2534
 Office 313-361-6770
 Fax 313-361-0020

[illegible]

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DATE	15-NOV-01	PROJECT NO.	3318.01
		SK 02	

NOV 01 2004

10/24/04, 2:03

Site Study Cost Comparison for City of Troy, MI

		Concept "A"	Concept "C"	Concept "D"
A.	Basic Package to Provide Building Access:			
	1. Demolition	\$ 10,440.00	\$ 231,610.00	\$ 26,280.00
	2. Storm Sewer	\$ 44,800.00	\$ 137,620.00	\$ 78,660.00
	3. Earthwork & Erosion Control	\$ 48,000.00	\$ 71,700.00	\$ 27,810.00
	4. Paving	\$ 120,520.00	\$ 560,690.00	\$ 249,010.00
	5. Landscaping & Irrigation	\$ 31,500.00	\$ 104,550.00	\$ 118,850.00
	6. Lighting (*)	\$ 21,000.00	\$ 51,000.00	\$ 27,000.00
	7. Bollards with Light (*)	\$ 8,000.00	\$ 11,000.00	\$ 7,000.00
	8. Flagpoles (*)	\$ 7,050.00	\$ 7,050.00	\$ 7,050.00
	9. Lights for Flagpoles (*)	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
	10. Receptacles for Decorative Lights (5) (*)	\$ 0.00	\$ 1,500.00	\$ 0.00
	11. Tree Lights (7) (*)	\$ 0.00	\$ 8,400.00	\$ 0.00
	10% Contingency (*)	\$ 29,380.00	\$ 121,010.00	\$ 54,410.00
	(*): Not included in the October 22, '01 presentation			
	Subtotal : Basic Package	\$323,190.00	\$1,308,630.00	\$598,570.00
B.	Additional Site Development (possible phasing):			
	1. Demolition	\$ 0.00	\$ 4,890.00	\$ 3,820.00
	2. Storm Sewer	\$ 0.00	\$ 6,200.00	\$ 7,400.00
	3. Earthwork & Erosion Control	\$ 0.00	\$ 5,350.00	\$ 3,750.00
	4. Paving	\$ 0.00	\$ 174,550.00	\$ 59,250.00
	5. Landscaping & Irrigation	\$ 0.00	\$ 21,450.00	\$ 7,150.00
	6. Walkway Lighting (6)	\$ 0.00	\$ 10,800.00	\$ 10,800.00
	7. Tree Lights (3)	\$ 0.00	\$ 3,600.00	\$ 3,600.00
	8. Receptacles for Decorative Lights	\$ 0.00	\$ 600.00	\$ 600.00
	10% Contingency	\$ 0.00	\$ 22,740.00	\$ 9,640.00
	Subtotal : Additional Site Development	\$ 0.00	\$ 250,180.00	\$ 106,010.00
	Grand Total	\$323,190.00	\$1,558,810.00	\$704,580.00

Gary A Shripka

*faxed to:
D. Redstone
11/13/01*

From: Mary F Redden
Sent: Tuesday, November 13, 2001 8:04 AM
To: Gary A Shripka
Subject: FW: Polic/Fire Extension

FYI.

-----Original Message-----

From: Martin Frank Howrylak [mailto:mfhowryl@umich.edu]
Sent: Monday, November 12, 2001 4:22 PM
To: John J Szerlag
Subject: Polic/Fire Extension

John,

Per our earlier conversation about possible modifications to the plans C and D as recommended by City Council, I'd like Redstone to address the following possibilities:

Concept D

1. Straighten the corners of the parking lot and make the center island of the parking lot smaller so that this can be used as a plaza as well as a parking lot. The current configuration is not designed for multi-purpose uses and cannot function as a pedestrian friendly plaza.
2. Allow for possible sculpture in center of plaza.
3. Eliminate island at junction with Town Center Drive.
4. Straighten out the driveway so that north end is slightly west of its currently location and the south end is slightly east of current location. In conjunction with this, move the east end of the parking lot/plaza closer to the west wall of the library. The center of the plaza should move to the east accordingly. The result is a larger plaza and an alignment with city hall (as opposed to the police/fire entrance).
5. Move center line/sight line to the east so that it is lined up with city hall, not the police/fire extension.
6. Make the junction with Town Center Drive prominent such that it is a larger curb cut than the parking lots to the west. Prominence signifies that it is more important than those other curb cuts (to the parking lots to the west and south). Additionally, the turn from Town Center Drive to the new entrance driveway will be easier if the intersection is wider. Cars do not turn at 90 degree angles.

Concept C

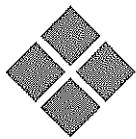
1. Show this plan as a single driveway (no boulevard), with a possible later date for expansion to a boulevard. Be sure that the driveway is to the east of the police/fire center line. The center line of the non-boulevard driveway should line up perfectly with the City Hall.
2. Enlarge plaza at end of the driveway.
3. Eliminate plaza between the library parking lot and the driveway to the police/fire entrance.
4. Create link between library driveway and police/fire entrance driveway.

5. Make the east end of the plaza in front of the police/fire entrance go as close to the west wall of the library as possible.
6. Enlarge curb cut with Town Center Drive so that a turn onto the driveway is easier to make (a.k.a. taper the curb cut)
7. Move center line significantly to the east such that it is aligned with city hall.
8. Enlarge plaza.

Additionally, for both concepts, eliminate the curved walkway in the peace garden and replace it with straight sidewalk. Especially in concept D, the curve essentially leads straight into a wall. The terminus of any sidewalks/pathways should be the plaza to the north and the city hall to the south. Also, Redstone should devise a pedestrian flow plan such that the entrances to both the city hall and the police/fire extension are always accessible, even during events. Also, show a directional obelisk at junction of driveway and Town Center Drive.

Thank you very much for your help in this matter.

-Martin Howrylak



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ARCHITECTS, INC.**

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FAXED

RECEIVED
NOV 15 2001
CITY OF TROY
CITY MANAGER'S OFFICE

November 14, 2001
(via facsimile)

Mr. Gary Shripka, Assistant City Manager
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Re: Suggested Modifications to Site Plans per M. Howrylak
(R.A. Project No. 3318.01)

Dear Gary:

We have reviewed Mr. Howrylak's email which suggested we look at a number of additional possibilities for Concepts "C" and "D." We believe that most, if not all, of the items identified were addressed in SK-01 (Alternate), which was presented to the Council on October 22, 2001.

We estimate that it will take up to 20 hours, including up to 4 hours of my time, to sit down with the Administration and Mr. Howrylak to review SK-01, and make adjustments to that layout, if necessary. Our estimated cost for these services, based on the provisions of our Contract, is between \$1,800 and \$2,200.

Please let me know the wishes of the City Council.

Sincerely,

REDSTONE ARCHITECTS, Inc.

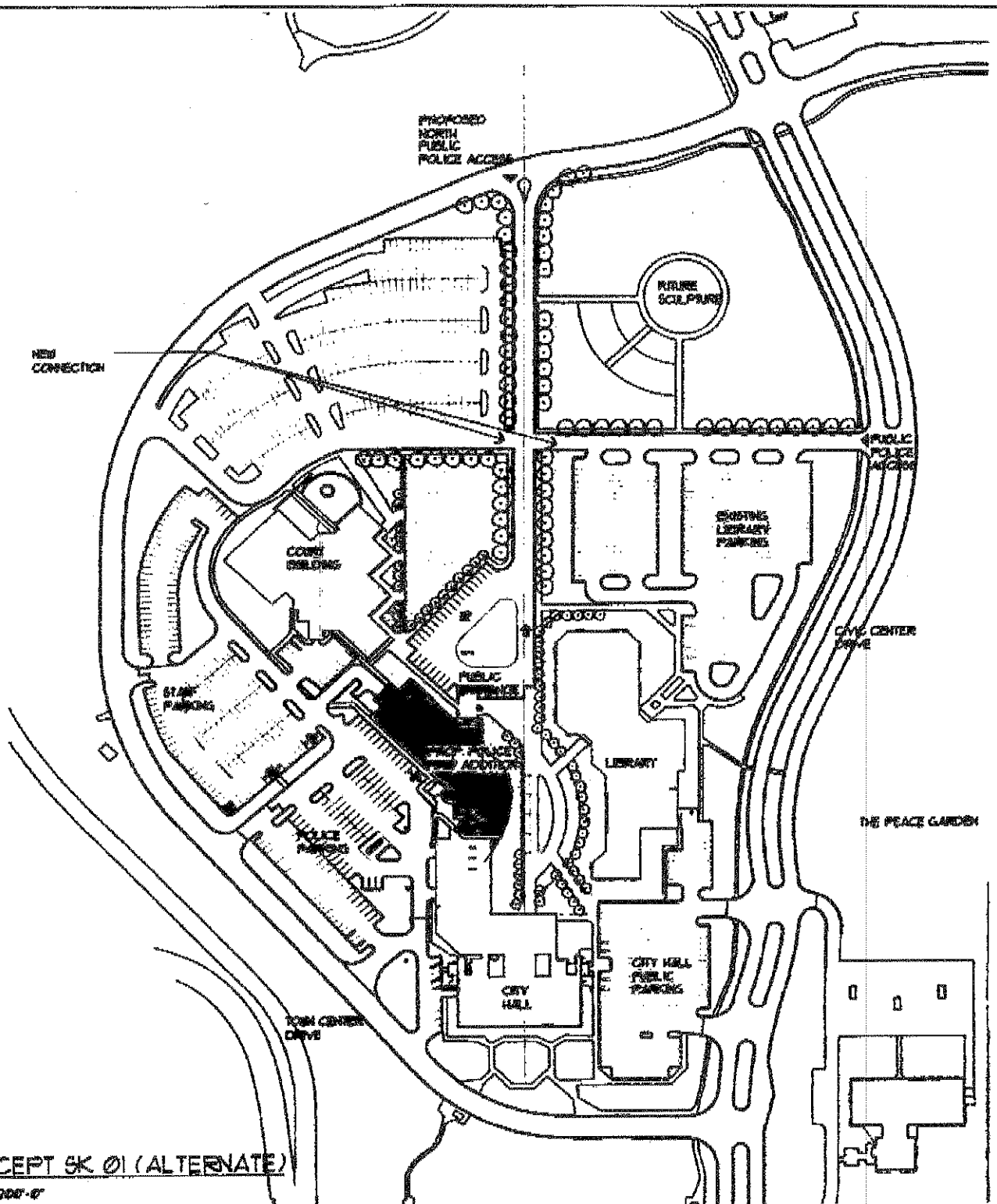
Daniel Redstone, NCARB, AIA
President

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<http://www.redstonearchitects.com>

GShripkaLetter-DR011114.wpd



CONCEPT SK 01 (ALTERNATE)

SCALE: 1"=200'-0"

PROS.

- LARGER PLAZA AT PUBLIC POLICE ENTRANCE
- GOOD EAST-WEST CONNECTION TO COURT PARKING

CONS.

- PEDESTRIAN GREEN SPACE INTERRUPTED BY DRIVES
- ADDITIONAL PARKING ADDED TO NORTH SIDE OF COURT BLDG.

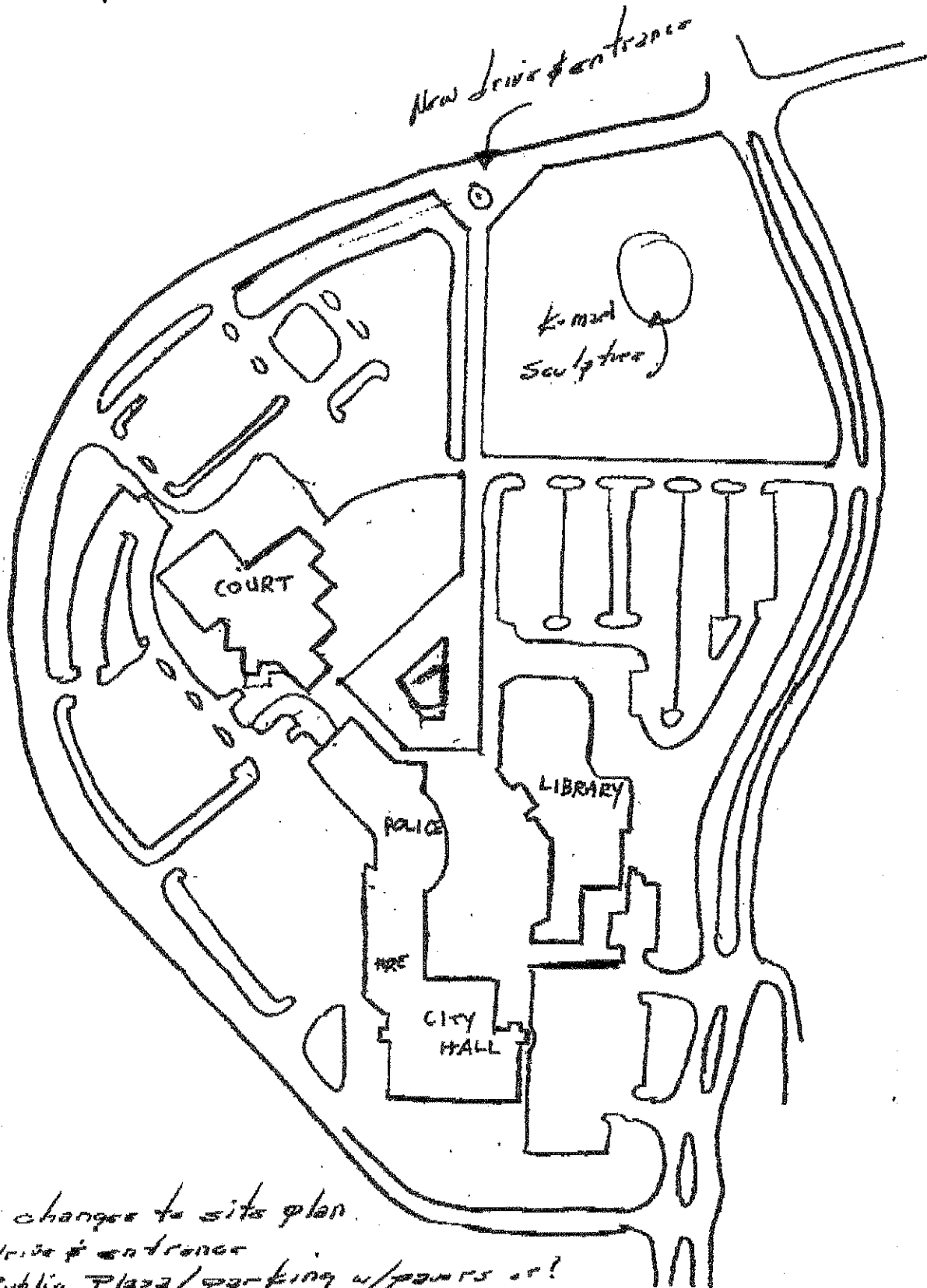


**REDSTONE
ARCHITECTS, INC**

Architecture . Planning . Interior Design

OCTOBER 21, 2001

Proposed



= changes to site plan

New Drive & Entrance

New Public Plaza/parking w/pavers or!

SKOI Alternate

**PROFESSIONAL ENGINEERING ASSOCIATES, INC.****CIVIL ENGINEERS / LAND SURVEYORS**

2430 Rochester Ct., Suite 100, Troy, MI 48063-1872

Telephone (248) 689-9090

Facsimile (248) 689-1044

PRELIMINARY COST OPINION

PROJECT DESCRIPTION	<u>Troy Police (Sketch 01)</u>	JOB NO.	<u>2001228</u>
PREPARED BY	<u>JEC</u>	REVIEWED BY	<u>TSS</u>
		DATE	<u>10/22/01</u>

SUMMARY**SITE IMPROVEMENTS**

Demolition	\$30,000.00
Storm Sewer	\$80,000.00
Earthwork & Erosion Control	\$33,000.00
Paving	\$310,000.00
Landscaping & Irrigation	\$126,000.00
SUBTOTAL	\$579,000.00
GRAND TOTAL (w/ 10% contingency)	\$636,900.00

NOTE: The engineer has no control over the cost of labor, materials, equipment or services furnished by others, or over the contractors method of determining prices, or over competitive bidding or market conditions. His openings of probable project costs and construction costs provided for herein are to be made on the basis of his experience and qualifications and represent his best judgement as an experienced and qualified engineer familiar with the construction industry. But, the engineer cannot and does not guarantee that proposals bids or actual project or construction costs will not vary from opinions of probable costs prepared by him.

November 22, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven J. Vandette, City Engineer

SUBJECT: Additional Sturgis Drain Modeling of the Sturgis Drain Suggested by Mr. Michael Kochanski

During council discussion of the proposed study by Hubbell, Roth and Clark, Inc. (HRC) to determine a new base (100 year) flood elevation for the Sturgis Drain north of Wattles road, Mr. Kochanski suggested that perhaps there would be a savings if HRC modeled the drain under open channel improvement conditions.

These conditions are as described in Alternative No. 2 of the Master Storm Drainage Plan Update prepared by HRC in 1999. This Alternative provides relief to the Sturgis Drain system by improving the capacity of the channel through the removal of silt and expanding the channel's bottom width and side slopes. The proposed channel bottom width would be increased to 15 feet from an existing width of 8 feet and an upstream channel section would be increased from 2.5 feet to 5 feet near the Leonard School property. The total estimated cost for Alternative No. 2 is approximately \$1.75 million, not including easement acquisition costs.

In an effort to alleviate deficiencies within the existing drainage system while minimizing cost and inconvenience to the public, Alternative No. 1, Sturgis Drain and Wattles Enclosed Drain Improvement, was constructed in conjunction with the Livernois Road reconstruction project. The new system provides drainage relief by diverting flows from the open channel on Livernois near Glenshire Dr. to an enclosed drain along the east side of Livernois and north side of Wattles Road, without requiring channel improvements described in Alternative No. 2. The enclosed storm drain, completed as part of the Livernois Road project, reduces the flow within the Sturgis Drain to levels that are at or below the capacity of the existing open channel during the 10-year design storm.

Staff does not recommend proceeding with modeling of the Sturgis Drain under open channel improvement conditions as detailed in Alternative No. 2. There is no practical benefit in completing Alternative No. 2 at this time based on the completion of the enclosed drain detailed in Alternative No. 1. Additionally, the difficulty and cost associated with the acquisition of necessary easements for Alternative No. 2 and the high cost of the open drain improvements make this Alternative a lower priority drain project.

November 28, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Lori Bluhm, City Attorney
William Need, Public Works Director
Steven Vandette, City Engineer

SUBJECT: **Voluntary Stormwater Permit Certificate of Coverage and Resolution
in Support of Troy's Stormwater Pollution Prevention Initiative**

Staff is pleased to report that the City has received a Certificate of Coverage under the National Pollution Discharge Elimination System (NPDES) Voluntary Stormwater Permit. In accordance with Council's direction, resolution #2000-39, regular City Council meeting of January 17, 2000, the City applied to the Michigan Department of Environmental Quality (MDEQ) for coverage under this permit.

Many tasks that are required by this permit have already been accomplished, including creating a Subwatershed Management Plan. The City of Troy actively participated alongside other Rouge River Watershed communities in our area to create this document. The final component of the permit is the Stormwater Pollution Prevention Initiative (SWPPI), outlining specific actions that Troy will take to improve water quality and help achieve the goals set forth in the Subwatershed Management Plan. A draft copy of this document is attached. You will note that the projected costs for the actions in the SWPPI are shown, even though many of these actions are currently being performed by existing City forces. Staff feels it is important for the MDEQ to understand the level of commitment that is required for stormwater management.

A resolution in support of Troy's SWPPI has also been included, to indicate Troy's commitment to protecting the public health and improving water quality within our borders. To that end, staff has been working to educate the public on how their daily actions affect our waterways—another component of the voluntary permit. Also, we are working with the Oakland County Drain Commission to finalize the contract for inspections of all of the drains in the City. These illicit connection/discharge inspections are to look for improper connections to the stormwater system, and are another key part of the permit.

As stormwater issues become more prevalent nationwide, it is important to know that the City of Troy is an active participant in Michigan's innovative and proactive voluntary general stormwater permit program. The progress we are making today will be mirrored throughout the country in the coming years, as the NPDES Phase II stormwater regulations are implemented. By the 2003 Phase II permit application deadline, the City will be well ahead of other states and municipalities that are not currently participating in a Voluntary Permit type of program.

WHEREAS, the City of Troy is a municipality located in the Rouge River and Clinton River Watersheds; and

WHEREAS, the City of Troy has a Certificate of Coverage under the Michigan Department of Environmental Quality's Voluntary General Stormwater Permit program; and

WHEREAS, the City of Troy, which is situated in the Main 1 & 2 sub-watershed district of the Rouge, has actively participated with the other Main 1 & 2 sub-watershed communities in the development of a sub-watershed management plan, public education plans, and also sub-watershed plans for the identification of illicit connections and elimination of illicit discharges, in addition to other pollution control measures; and

WHEREAS, the City of Troy is committed to the goals as set forth in the voluntary storm water permit, and will use its best efforts in reducing the pollution in both the Rouge River Watershed and the Clinton River Watershed;

NOW THEREFORE, BE IT RESOLVED, the City of Troy supports the Stormwater Pollution Prevention Initiative for the Main 1&2 sub-watershed management plan.



Storm Water Pollution Prevention Initiative

Michigan General Permit Number MIG61000

Certificate of Coverage Number MIG610053

Municipality/Agency: City of Troy

Address: 500 West Big Beaver, Troy MI 48084

Contact Person: Gary Shripka Telephone: 248-524-3329

Title: Assistant City Manager-Services Date: _____

Signature of Permittee Representative: _____

1. Purpose

The purpose of this Storm Water Pollution Prevention Initiative (SWPPI) is to bring together the goals and actions from the Watershed Management Plan (WMP), Illicit Discharge Elimination Plan (IDEP), and the Public Education Plan (PEP) into a single document containing the City of Troy's commitments necessary to reduce the discharge of pollutants to the maximum extent practicable. As revisions are made to these plans, our SWPPI will reflect those changes. The SWPPI includes a list of actions that are expected to be implemented during, and in some cases beyond, the term of the permit.

Table 1 lists the WMP Goals associated with the Main 1-2 subwatershed and the reasons why a specific goal, if any, does not apply to the City of Troy. Table 2 outlines the specific activities that the City of Troy has undertaken, or will undertake, with respect to each of the applicable goals and/or actions.

2. Annual Report to Assess Progress

In order to assess our progress, the City of Troy will document the following on an annual basis:

- Changes to goals and/or actions in the WMP prior to the required permit date for biannual review and revision
- Progress with respect to specific goals and/or actions
- Actions taken to eliminate illicit discharges.
- Schedule for elimination of illicit connections identified but not eliminated.
- Documentation of the public education effort and an evaluation of its effectiveness.
- Any additional actions taken to reduce the discharge of pollutants in storm water.
- Progress on approved activities under IDEP and PEP.
- Modifications to approved IDEP and PEP, if applicable.

3. Subwatershed Plan and SWPPI Revisions

The SWPPI will be reviewed and revised as necessary every two years. Revisions to date-specific commitments listed in Table 2 can be made with approval of MDEQ. The WMP and the SWPPI can be revised at the same time, but will be due on the revision date for the WMP.

4. Retention of records

The City of Troy will retain the approved Storm Water Pollution Prevention Initiative and its associated records in-house for a minimum of three years after the termination of the permit. The records will be available upon request by MDEQ and shall include, but not be limited to:

- Information regarding the effectiveness of these activities;
- Records of analyses performed;
- Calibration and maintenance of instrumentation, if used;
- Recordings from continuous monitoring instrumentation.

5. SWPPI goals and priorities of the City of Troy

- The City of Troy supports the Main 1-2 Subwatershed Management Plan;
- The City of Troy was an active participant in the development of the Main 1-2 Subwatershed Management Plan.
- Approximately 20% of the City lies within the Main 1-2 subwatershed of the Rouge River Watershed, with the remaining 80% of the City lying within the drainage area of the Clinton River Watershed. There is a small portion of the City that is served by combined sewers, including approximately 1530 acres of Sections 30 & 35 (7% of the City's total land area). Approximately 93% is served by separate storm sewers that discharge to the Rouge and Clinton River.
- The City is approximately 95% developed. However, there are opportunities to implement BMPs to reduce stormwater impacts on the new developments within the City of Troy.
- There are approximately 450-600 properties with On-site Sewage Disposal Systems in the City. The City is working to adopt an OSDS ordinance, which would require periodic inspections of septic systems. The City of Troy is committed to providing public education materials about septic system maintenance information to the property owners.
- The City of Troy is committed to protecting and enhancing the water quality and resources of the Rouge River.
- The City of Troy supports all of the long-term goals established for the Main 1-2 Subwatershed. The highest priority goals, and specific tasks for the City are outlined below:

1 – Remove Sources of Pollution that Threaten Public Health

- **Continue work in Evergreen/Farmington (T6 & T17)**
- **On-site Sewage Disposal System Ordinance**
- **Illicit Discharge Elimination Plan**

2 – Restore/Maintain Aesthetically Appealing Conditions

- **Review and update the City's existing ordinances as needed**
- 3 – Improve and Maintain River Ecosystem for Fish and Wildlife
 - **Continued work on IDEP (T14)**
 - 4 – Minimize the Amount of Soil Erosion and Sedimentation
 - **The City's Soil Erosion Sedimentation Control Program**
 - **Streambank Stabilization Program (T1 & T26)**
 - 5 – Minimize Flow Variability
 - **Detention Basin Inventory, Maintenance and Retrofit**
 - 6 – Maximize Community Assets related to the River
 - **Lloyd Stage Outdoor Education Center (T18)**
 - 7 - Preserve and Enhance the Quality of the Great Lakes
 - **ALL**

6. Storm Water Pollution Prevention Development

This SWPPI has been designed and will be implemented to reduce the discharge of pollutants to the maximum extent practicable and is consistent with the Main 1-2 Subwatershed Management Plan(s) developed under Part I.B.1 of the General Permit, and includes those actions expected to be implemented over the term of this permit. This SWPPI will be implemented upon approval of the District Supervisor, and includes:

1. Actions required of the City of Troy in the Main 1/2 Subwatershed Management Plan(s) as described in Table 2;
2. Evaluation and implementation of pollution prevention and good housekeeping activities, as appropriate, having considered the following practices:
 - a. Maintenance activities, maintenance schedules, and inspection procedures for storm water structural controls to reduce pollutants (including floatables) in discharges from our permitted separate storm water drainage system;
 - b. Controls for reducing or eliminating the discharges of pollutants from streets, roads, highways and parking lots;
 - c. Procedures for the proper disposal of operation and maintenance waste from the permitted separate storm water drainage system (dredge spoil, accumulated sediments, floatables, and other debris);
 - d. Ways to ensure that new flood management projects assess the impacts on the water quality of the receiving waters and, whenever possible, examine existing projects for incorporation of additional water quality protection devices or practices; and
 - e. Implementation of controls to reduce the discharge of pollutants related to pesticide, herbicide, and fertilizer application in our permitted jurisdiction.
3. Evaluation and implementation of site appropriate, cost-effective structural and nonstructural best management practices (BMPs) to minimize the water quality impacts from areas of new development and significant redevelopment, with the understanding that

the goal is to protect the designated uses in the receiving waters from the effects commonly associated with urbanization.

4. The methods of assessing subwatershed progress in storm water pollution prevention, as summarized for each of the Subwatershed Management Plan(s) Goals in Table 1.

In developing this SWPPI, the City of Troy reviewed and re-evaluated its PEP and IDEP, which were submitted as part of the permit application. The PEP and IDEP actions listed in this SWPPI are somewhat different than those listed in the original permit application. However, the City believes that the PEP and IDEP actions identified in the SWPPI are adequate to meet the SWMP goals and permit requirements. With regard to the IDEP actions, after the City submitted its permit application, the Oakland County Drain Commissioner offered to provide IDEP services to the communities, and the Main 1-2 Subwatershed allocated grant money toward the IDEP activities. The City of Troy, along with the other Main 1-2 communities, chose to have OCDC conduct an IDEP inventory and a first round of IDEP inspections. This work is scheduled to be completed by Spring 2002. The City believes that the IDEP activities identified in the SWPPI represent an adequate future/ongoing program. With regard to the PEP, the City has eliminated some activities that it has found to be ineffective or not practical, and added other activities.



Table 1: Goal-Specific Long Term Assessment of Progress in the Main 1-2 Rouge Subwatershed

#	WMP Goals	Methods for Evaluating Progress in River	Targets for Evaluation in the Subwatershed	Responsible Party for Evaluating Progress
1	Remove Sources of Pollution that Threaten Public Health	A. Dry weather water quality monitoring for <i>E. coli</i> and DO at RPO sites: M01, M03, M05, G45, G46, G47, G58, G59, & US5. B. Wet weather water quality monitoring for bacteria and DO at selected RPO sites.	A. & B. Achieve partial body contact standard for <i>E. coli</i> at all locations in dry weather by 2015.	A. RPO B. RPO
2	Restore/Maintain Aesthetically Appealing Conditions	A. Aesthetics Survey B. Dry and wet weather water quality monitoring for Total Phosphorus (TP) at RPO sites: M03, G45, & US5.	A. A minimum of 85% of Rouge River Aesthetic Indicator (RRAI) scores that rank good or excellent at all locations surveyed or improvement of scores when compared to 1996 surveys by 2015. B. Annual average TP values at or below 0.05 mg/l by 2015.	A. RPO/OCDC B. RPO
3	Improve and Maintain River Ecosystem for Fish and Wildlife	A. Biological monitoring (fish) at various sites. B. Macroinvertebrate monitoring at various sites	A. Improve score for fish to “Good – Excellent” at all sites by 2015. B. Minimum score for macros in the MDEQ/GLEAS survey of “Fair”	A. MDEQ/GLEAS B. MDEQ/GLEAS
4	Minimize the Amount of Soil Erosion and Sedimentation	A. Monitor instream Total Suspended Solids (TSS) concentrations at two RPO locations in both dry and wet weather. B. Habitat assessment, bottom deposition and embeddedness measures	A. Achieve TSS concentrations of 80 mg/L in dry weather conditions at both monitoring stations by 2010. B. Show decreasing trends of sedimentation by 2010, using GLEAS embeddedness data.	A. RPO B. MDEQ/GLEAS
5	Minimize Flow Variability and Associated Negative Impacts	A. Monitor stream flows at USGS stream gauges US4, US5, & US6 B. RPO/OCDC rainfall monitoring at R15-R23 & R30-R33	A. & B. Meet Wiley/Seelbach numbers by 2015 (knock down peak flows and increase baseflows)	A. RPO B. RPO/OCDC

6	Maximize Community Assets Related to the River	A. Workshop/meeting attendance B. Telephone or mail survey of watershed residents. C. Study amount of public land	A. Increase in meeting attendance B. Improve the public perception of the river when compared to previous surveys by 2010. C. Increase in acreage of public land	A. Communities B. OCDC C. Oakland County
7	Preserve and Enhance the Quality of the Great Lakes	A. Track the types and amount of PE materials distributed and the number of households reached. B. Report on the number of schools involved in Rouge Education Project (REP). C. Telephone or mail survey of watershed residents.	A. 100% of households reached with various PE messages by 2006. B. Increase the number of schools participating in the REP-type programs by 2010. C. Improve the public perception of the river when compared to previous surveys by 2010.	A. Communities/OCDC B. FOTR/Oakland County C. Oakland County/City of Troy

It is recognized by the permittee and the MDEQ that the subwatershed targets and schedules in Table 1 are intended to track effectiveness and progress of the SWPPI actions, and progress towards the subwatershed goals. The targets and schedules are not enforceable compliance items required by the permit, and the permittee will not be found in noncompliance with the permit if they are not achieved. The permittee's actions and schedules in Table 2 are enforceable. If, during SWPPI revisions, it is determined that progress towards achieving the subwatershed targets is not being made, the permittee and the MDEQ will negotiate additional and/or alternative actions, schedules, or targets.



Table 2: Storm Water Pollution Prevention Initiative for the City of Troy

<i>BMP Activity</i>	<i>Action</i>	<i>WMP Goals</i>	<i>Permit Required Activities</i>	<i>Method of implementation</i>	<i>Schedule</i>	<i>Methods of measuring progress (to be documented in SWPPI annual report)</i>	<i>Cost Estimate</i>
REDUCE PEAK FLOWS							
Reduce directly connected impervious surfaces	Downspout ordinance (T12)	5	6.2.a	The City currently has an ordinance, which requires downspouts to not be directly connected to storm or sanitary sewer. The City also performs inspections of areas with known downspout connections to ensure compliance with the ordinance.	Ongoing	<ul style="list-style-type: none"> • Inspection records • Map of all connected and unconnected downspouts • Educational materials 	\$10,000
	Rain Barrel Pilot Project	5	6.3	The City will investigate the implementation of a Rain Barrel Pilot Project including public education materials and advertising the use of rain barrels.	Spring 2002	<ul style="list-style-type: none"> • # of news letters sent • Published article • # of Rain Barrels sold 	\$25,000
Slow storm water runoff draining to river	Downspout ordinance (T12)	5		See description above			
	Review the City's existing design standards and ordinances	1,2,4, 5,7	6.2.a 6.3	The City will review and evaluate existing design standards and ordinances pertaining to stormwater or related issues. The need for updated ordinances, or new ordinances will be evaluated.	Spring 2002	<ul style="list-style-type: none"> • Review report 	Staff Time
	Detention Basin Inventory and Modifications (T13)	2,4,5, 6		<p>Short Term- Inventory existing detention basins and identify and prioritize maintenance items and retrofit opportunities.</p> <p>Long Term-Investigate feasibility of implementing retrofit opportunities and maintenance requirements.</p>	<p>Spring 2002</p> <p>Spring 2003</p>	<ul style="list-style-type: none"> • Review inspection records and reports • Number of basins improved 	\$ 5000- \$10,000 evaluation and report \$100,000 annually for improvements
Construct/ maintain wet detention ponds	Maintain pond at Firefighter's Park	2,5,6, 7	6.2.b 6.2.d 6.3	The City is responsible for the maintenance of the existing pond that was created as a partnership with neighboring developers.	Ongoing.	<ul style="list-style-type: none"> • 	To Be Determined

<i>BMP Activity</i>	<i>Action</i>	<i>WMP Goals</i>	<i>Permit Required Activities</i>	<i>Method of implementation</i>	<i>Schedule</i>	<i>Methods of measuring progress (to be documented in SWPPI annual report)</i>	<i>Cost Estimate</i>
REDUCE SEDIMENT LOADS							
Control Soil Erosion	Revise and Update Soil Erosion Program	4,7	6.2.d 6.3	The City will continue to implement the existing Soil Erosion Inspection Program. The City will be updating and revising the existing ordinances and development standards relating to the Soil Erosion Program.	Ongoing	<ul style="list-style-type: none"> Number of inspections Number of failed sites List of actions taken Number of permits issued 	1 ½ staff members
	Streambank Stabilization Program (T1& T26)	2,3,4, 5,7	6.3	The City will be working with the OCDC to generate a study addressing areas of streambank that need to be prioritized for stabilization projects.	Study to be complete by Fall 2002	<ul style="list-style-type: none"> Completed study 	\$5,000-\$10,000
				Once Streambank Stabilization study is complete, the City will review the recommendations for prioritization of stabilization projects.	Fall 2002	<ul style="list-style-type: none"> Review results (summary) 	Minimal
				The City will approve an implementation schedule from the recommendations in the completed study	Fall/Winter 2002	<ul style="list-style-type: none"> Schedule 	Minimal
Perform sewer system cleaning	Sanitary Sewer manhole inspection and cleaning	1,7	6.2.a	The City is responsible for the operation and maintenance of the sanitary sewer system including inspections and repairs of manholes.	Ongoing	<ul style="list-style-type: none"> Summary of inspections 	\$1.17 million/year including repair costs
	Storm drain system cleaning	4,7	6.2.a 6.2.b 6.2.c	The City currently performs jetting and root cutting on the existing storm drain system.	Ongoing	<ul style="list-style-type: none"> Inspection records Cleaning records 	\$285,000/year
				The City will update and revise its inspection and maintenance program as needed.	As needed		
	Street Sweeping (T9)	4,7		The City currently has 2 street sweepers that operate 40 hours a week from early April to mid-November . Major streets are swept approximately 8 times and minor streets are swept approximately 4-5 times during the season.	Ongoing	<ul style="list-style-type: none"> 	\$190,000/year
	GIS Utility mapping and modeling (T3)	6		The City is currently working on developing and updating GIS data coverage for all utilities including sanitary sewer, storm, water, open drainage courses, floodplains, natural features for aiding in implementing the daily operations of the departments within the City.	Ongoing	<ul style="list-style-type: none"> # of layers completed 	Staff time
Perform catch basin cleaning	Clean & repair catch basins	4,7	6.2.a 6.2.b 6.2.c	The City currently has a program to jet and clean existing catch basins on a rotating basis every 4 years. Approximately 2400 catch basins are inspected and cleaned every year.	Ongoing	<ul style="list-style-type: none"> Inspection records Cleaning records 	Part of the Storm Drain System Cleaning budget
Construct/main tain detention and/or retention ponds	Detention Basin Inventory (T13)	2,4,5, 6	6.2.a 6.3	See details for Detention Basin Inventory from above			

<i>BMP Activity</i>	<i>Action</i>	<i>WMP Goals</i>	<i>Permit Required Activities</i>	<i>Method of implementation</i>	<i>Schedule</i>	<i>Methods of measuring progress (to be documented in SWPPI annual report)</i>	<i>Cost Estimate</i>
Utilize streambank stabilization measures	Streambank stabilization Program (T1 & T26)	2,3,4, 5,7		See description above			
Prevent and remove stream obstructions	Log jam & Debris removal	2,6,7	6.2.a	The City will continue its DPW assistance program to residents with complaints of logjams and debris in the River, streams and ditches.	Ongoing	• # of log jams removed	\$79,000
	Dredge Northfield Hills Pond (T24)	2,4,6		Provide some assistance to the Northfield Hills Condominium Association to dredge the detention pond.	Negotiations are ongoing	• Amount of sediment removed	TBD
Utilize soil stabilization measures for construction activities	Streambank Stabilization Projects (T1 & T26)	2,3,4, 5,7		See description above		•	
	Authorized Public Agency (APA)	4		The City will work on obtaining the Authorized Public Agency status for the Soil Erosion Sedimentation Control Program. Work will include developing procedures and protocols.	Spring 2003	•	Staff time
Install sediment trapping devices	Catch Basin Inserts	1,4		The City will investigate the feasibility of installing catch basin inserts on City owned parking lots per approval by City Council and City Administration.	Spring 2003	• Report • Amount of inserts installed	\$30,000 per year
REDUCE SEWAGE ENTERING THE RIVER							
Identify and control untreated CSOs	Not applicable	1,2,3, 7		Continue to participate in the cost share of the Twelve Towns RTF and the George W. Kuhn Drain.	na	• na	\$3.2 million
Identify and control SSOs	Participate in Evergreen/Farmington (T17)	1,2,3, 7	6.2.a 6.4	Continue to participate in the Evergreen/Farmington Sewage Disposal System (EFSDS) technical committee, currently developing regional sewer system improvements for the EFSDS.	Dependant upon the outcome of negotiations with MDEQ and EFSDS communities	• Report on status of EFSDS committee actions	Long Term Cost TBD
	TV Inspection for storm and sanitary sewers (T6)	1,4,7	6.2.a	As a part of the IDEP (T6), the City of Troy has a program to televise existing storm and sanitary sewers with the City owned televising equipment.	Ongoing	• Video of storm and sanitary sewers • # of linear feet videoed	\$75,000/ year
	Sanitary Sewer manhole inspection	1,4,7	6.2.a	See description above			

<i>BMP Activity</i>	<i>Action</i>	<i>WMP Goals</i>	<i>Permit Required Activities</i>	<i>Method of implementation</i>	<i>Schedule</i>	<i>Methods of measuring progress (to be documented in SWPPI annual report)</i>	<i>Cost Estimate</i>
Identify and eliminate illicit discharges	IDEP (T14) <ul style="list-style-type: none"> • <i>Complaint Response and Investigation</i> • <i>Coordination with OCDC</i> • <i>Coordination with MDEQ</i> • <i>Conduct dry weather inspections of storm outfalls</i> • <i>Follow up investigations and reports</i> 	1,2,3, 6,7	6.2.a 6.4	<p>The City is contracting with the Oakland County Drain Commissioner to conduct an inventory of storm outfalls and to perform a first round dry weather inspection. The inventory and inspections are to be completed in spring 2002.</p> <p>The City will re-inspect all storm outfalls, on a dry weather basis, in the City every 5 years. The City may elect to contract with the Oakland County Drain Commissioner's Office to complete all re-inspections. The City will conduct follow-up investigations at outfalls where dry weather inspections indicate the potential of illicit connection(s). The City will investigate complaints of illicit discharges received through the City's reporting system or referred to the City through the Oakland County Hot Line.</p> <p>Notify MDEQ and other appropriate agencies of any significant violations</p> <p>Initiate action against property owners as appropriate to ensure that illicit discharges are corrected. Property owners will be given the opportunity to comply voluntarily before formal enforcement action is taken. If property owners do not voluntarily comply within 30 days, the City will initiate formal enforcement actions.</p>	Jan 2002	<ul style="list-style-type: none"> • #of staff trained • # of outfalls inspected • Data results • Documented procedure • Phone call records • Complaint records • # of investigations conducted and actions taken 	\$32,000 for OCDC outfall inspection work \$10,000/year for follow-up investigations
	TV Inspection for storm and sanitary sewers (T6)	1,4,7		See description above			
	GIS Utility mapping & modelling (T3)	6	6.4	The City is currently updating its utilities map coverage for GIS. The City's MDEQ Annual Report will report any updates or changes.	Ongoing	<ul style="list-style-type: none"> • Summary of updates 	Minimal
Identify and eliminate failing OSDS	OSDS Ordinance & Program (T7 & T8)	1,7	6.2.a	The City is currently drafting an OSDS Ordinance that requires periodic inspections of existing septic systems within Troy. The City will prepare and distribute OSDS maintenance materials.	Ongoing Inspections to start Summer 2002	<ul style="list-style-type: none"> • Report on status of actions with OSDS 	TBD
Maintain infrastructure	TV Inspection for storm and sanitary sewers (T6)	1,4,7		See description above			
	GIS Utility mapping & modelling (T3)	6		See description above			
ENHANCE RECREATIONAL ACTIVITIES							

<i>BMP Activity</i>	<i>Action</i>	<i>WMP Goals</i>	<i>Permit Required Activities</i>	<i>Method of implementation</i>	<i>Schedule</i>	<i>Methods of measuring progress (to be documented in SWPPI annual report)</i>	<i>Cost Estimate</i>
Reduce geese populations	Presentations to Homeowners Associations	1,2,6		Make presentations to Homeowners Associations regarding Goose Round-up and Egg replacement programs and Detention Basin modifications	Spring 2003	# of participants # of workshops	\$1000 per workshop
REDUCE CHEMICAL POLLUTANTS							
Street Sweeping	Street Sweeping (T9)	4,7	6.2.a 6.2.b 6.2.c	See description above			
Reduce fertilizer runoff and phosphorus discharge	Street Sweeping (T9)	4,7		See description above			
	Clean catch basins	4,7		See description above			
	Leaf mulching/ SOCRRA compost program (T10)	2,7	6.2.e PEP	The City is a member of SOCRRA, therefore receives all member benefits, including yard waste pickup, composting and educational programming. The City continues its support of Healthy Lawn and Garden programming.	Ongoing	<ul style="list-style-type: none">• Membership• Estimate of total yard waste picked up	Minimal
	Healthy Lawn & Garden Program (T16)	1,2,3, 7	6.2.a 6.2.b 6.2.c	The City continues its support of the Healthy Lawn and Garden Program from SOCRRA.	Ongoing	<ul style="list-style-type: none">• # of stores participating	Minimal
Household hazardous materials management programs	HHW program/ SOCRRA (T11)	2,7	6.2.e PEP	The City is a member of SOCRRA, therefore receives all member benefits, including yard waste pickup, composting, HHW drop-off and educational programming. The City continues its support of Healthy Lawn and Garden programming.	Ongoing	<ul style="list-style-type: none">• Membership• Number of workshops held• Number of participants at Healthy Lawn and Garden events.	Minimal
				The City will continue its Recycling Drop-off Center by accepting and recycling used motor oil and vehicle batteries.		<ul style="list-style-type: none">• # of gallons of used motor oil collected	\$250/month for used motor oil Drop off charge
				The City will continue to publish one article in the newsletter each year that addresses household hazardous materials, and appropriate disposal methods.	Ongoing	<ul style="list-style-type: none">• # of newsletters sent• Published article	\$1,500
EDUCATE THE PUBLIC							
Educate the Public	Troy Daze/ River Day (T15)	1,2,3, 6,7	6.4 PEP	The City participates in the annual River Day event and passes out public education material at the annual Troy Daze Festival.	Annual	<ul style="list-style-type: none">• # of volunteers present at River Day event	\$1,500 per event
	HHW program/ SOCRRA (T11)	2,7		See description above			

<i>BMP Activity</i>	<i>Action</i>	<i>WMP Goals</i>	<i>Permit Required Activities</i>	<i>Method of implementation</i>	<i>Schedule</i>	<i>Methods of measuring progress (to be documented in SWPPI annual report)</i>	<i>Cost Estimate</i>
	Mailings to riparian land owners	2,7	PEP	The City will publish and distribute an informational packet to all Riparian owners to address riparian responsibilities and concerns.	Winter 2002	<ul style="list-style-type: none"> Addresses of all riparian owners Completed packet 	\$5,000
	City of Troy Web site	2,7	PEP	The City will review and update the Stormwater information on their website annually. (As new information is presented or new topics are requested)	Annually	<ul style="list-style-type: none"> # of hits to web counter Summary of topics covered on website 	Minimal
	School Presentations	2,7		The City will develop and implement presentations about stormwater to local schools.		<ul style="list-style-type: none"> # of students # of presentations 	\$1000 per presentation
	Newsletter	2,7	6.2.e 6.3	The City will ensure that the quarterly newsletter has at least one water-quality (river issues) concept in each edition of the newsletter	Quarterly	<ul style="list-style-type: none"> # of newsletters sent Published article 	Minimal
	Lloyd Stage Outdoor Education Center (T22)	2,3,6,7		The City supports the educational program at the Lloyd Stage Outdoor Education Center.	Ongoing	<ul style="list-style-type: none"> # of brochures handed out 	Minimal Cost to implement Pond Study Program
	Support expansion of Education Project programs to local schools (T29)	2,3,6,7	PEP	The City of Troy will continue to support the Main 1-2 Public Education Committee and any programming involving the Friends of the Rouge REP. Any schools within the City are strongly encouraged to participate in the REP	Ongoing	<ul style="list-style-type: none"> Number of students/schools participating 	Minimal
Develop and implement public participation program	Provide support for Main 1-2 subwatershed public education web site	2,7	6.2.b PEP	Support the Main 1-2 Public Education Committee.	Ongoing	<ul style="list-style-type: none"> # of hits to web counter Summary of topics covered on website 	Minimal
OTHER ACTIVITIES THAT DO NOT FALL UNDER BMP CATEGORIES							
Other Activities	Explore new staffing	1-7	N/A	The City recognizes the importance of all of the tasks in the SWPPI. These tasks will involve a large amount of time and effort in addition to the time already spent on the City's Public Education Plan, IDEP and Subwatershed Planning. The City will analyze the current workforce situation, and evaluate the need for an additional staff member to assist in the implementation of the SWPPI.	Jan 2003	<ul style="list-style-type: none"> Manhour/workload evaluation 	Minimal
Other Activities	Stream crossing at Firefighter's Park	4,5,7	6.2.b 6.2.d 6.3	The City will be drafting plans to replace an existing culvert that provides a streamcrossing to provide access for equipment in Firefighter's Park.	Fall 2002	<ul style="list-style-type: none"> Completed culvert construction Photodocumentation 	\$50,000 construction plus engin. cost

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November 28, 2001

TO: MAYOR AND MEMBERS OF TROY CITY COUNCIL
CHARTER REVISION COMMITTEE

FROM: LORI GRIGG BLUHM, CITY ATTORNEY

RE: PRECLUDING ENACTMENT OF PENSION FOR COUNCIL

On January 8, 2001, the Troy City Council unanimously approved the following resolution:

RESOLVED that the Administration, in conjunction with the Charter Revision Committee, be directed to draft a proposed Charter Amendment, to be placed on either the April 2001 or April 2002 ballot, that would prohibit the city council from adopting a pension plan for elected officials or the Planning Commission.

BE IT FURTHER RESOVLED that said proposed Charter Amendment effectively prohibit any compensation or fringe benefits, such as medical insurance, dental insurance, auto allowance, retirement compensation, 401K plan, etc., that is in excess of what is already received by the City Council.

Unfortunately, this issue was only briefly discussed at the last Charter Revision Committee meeting, due to time constraints. In order to facilitate discussion, the following relevant Charter provisions are recited, and I have also proposed some language revisions for your consideration.

§ 6.14 Employee Welfare Benefits

The Council shall have the power to make available to the administrative officers and employees of the city and its department and boards any recognized standard plan of group life, hospital, health or accident insurance.

This provision could be modified as follows:

*The Council shall have the power to make available to ~~the administrative officers and employees~~ **and former employees** of the city and its department and boards any recognized standard plan of group life, hospital, health or accident insurance. **These benefits shall not be offered to any elected official of the City of Troy, or to any board and committee member that does not qualify as an employee or a former employee.***

The second relevant provision is found in § 15.13 of the Troy City Charter, which states:

§ 15.13 The Council may, by ordinance, provide for a retirement and pension system for any and all persons in the service of the City.

This provision could be modified as follows:

§ 15.13 The Council may, by ordinance, provide for a retirement and pension system for any and all ~~persons in the service~~ **employees** of the City.

These proposals may need to be modified after further research. This review should be completed prior to the Charter Revision Committee meeting.

If you have any questions concerning the above, please let me know.



11/27/01

TO: MAYOR AND MEMBERS OF TROY CITY COUNCIL
CHARTER REVISION COMMITTEE

FROM: LORI GRIGG BLUHM, CITY ATTORNEY *LGB*

RE: BALLOT LANGUAGE FOR BOND ISSUANCE (Natural Features)

After discussing this matter, the following ballot language proposals are offered for consideration at the Charter Revision Committee for recommendation to the Troy City Council:

The initially proposed ballot language is as follows:

A. ***Shall the City of Troy, County of Oakland, Michigan, borrow a sum not to exceed \$18,000,000 and issue, in one or more series, its general obligation unlimited tax bonds within five years from the date hereof, for the purpose of acquiring, preserving or improving natural features such as wetlands, watercourses, lake plain prairies, steep slopes or threatened or endangered species critical habitats that provide numerous environmental protection and resource management benefits for the City of Troy?***

Alternate ballot language is:

B. ***Shall the City of Troy, County of Oakland, Michigan, borrow a sum not to exceed \$18,000,000 and issue, in one or more series, its general obligation unlimited tax bonds within five years from the date hereof, for the purpose of acquiring, preserving or improving natural features such as wetlands, watercourses, lake plain prairies, steep slopes or threatened or endangered species critical habitats?*** (statement regarding numerous environmental protection and resource management benefits is eliminated)

Alternate ballot language is as follows;

C. ***Shall the City of Troy, County of Oakland, Michigan, borrow a sum not to exceed \$18,000,000 and issue, in one or more series, its general obligation unlimited tax bonds within five years from the date hereof, for the purpose of acquiring property with natural features such as wetlands, watercourses, lake plain prairies, steep slopes or threatened or endangered species critical habitats? ("preserving or improving" is eliminated; property is added)***

Alternate ballot language is as follows:

D. ***Shall the City of Troy, County of Oakland, Michigan, borrow a sum not to exceed \$18,000,000 and issue, in one or more series, its general obligation unlimited tax bonds within five years from the date hereof, for the purpose of acquiring, preserving or improving natural features such as wetlands, watercourses, lake plain prairies, steep slopes or threatened or endangered species critical habitats in order to provide for additional open space and storm water retention benefits in the City? (purpose of additional open space and additional storm water retention benefits included)***

Alternate ballot language is as follows:

E. ***Shall the City of Troy, County of Oakland, Michigan, borrow a sum not to exceed \$18,000,000 and issue, in one or more series, its general obligation unlimited tax bonds within five years from the date hereof, for the purpose of acquiring natural features such as wetlands, watercourses, lake plain prairies, steep slopes or threatened or endangered species critical habitats in order to provide for additional open space and storm water retention benefits in the City? ("preserving or improving" deleted)***

I have attempted to incorporate all suggestions made at the Charter Revision Committee. These proposals can be used as a starting point, and can be modified as needed.

If you have any questions concerning the above, please let me know.

November 27, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlaq, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark F. Miller, Planning Director
Doug Smith, Real Estate and Development
Steven J. Vandette, City Engineer

SUBJECT: Fetterly Drain and the Proposed Oak Forest Subdivision

In response to a letter from Joseph Kozma (copy attached) of the Oakland County Drain Commission, we would like to inform Council of several issues related to the required improvement of the Fetterly Drain for development of Mr. Garrett's property and to receive your guidance prior to scheduling a meeting with John McCulloch, Oakland County Drain Commissioner. The developer, Mr. Joel Garrett, wishes to proceed with the subdivision but he first must receive assurance from the Drain Commission that they will proceed with the Fetterly Drain improvement. For the cleanout to occur, the city must give approval to access the Fetterly Drain easement across city owned property located south of the proposed subdivision. Additionally, the Drain Commission may seek a temporary construction easement adjacent to the existing 40-foot wide Fetterly Drain easement that would allow for efficient operation of equipment and construction of the drain project.

The first issue is the drain improvement itself. As indicated in Mr. Kozma's letter, a previous proposal involving cleanout of the Fetterly Drain resulted in controversy and intense negative reaction from the public. A brief summary of events that preceded the controversy would be helpful in understanding the current situation.

The County constructed this drain in 1945 under Chapter 4 of the Drain Code. The drain is an open ditch approximately 3,730 feet long and located in a 40-foot wide easement. The Michigan Drain Code limits the repair and maintenance of Chapter 4 Drains to \$2,500 per mile per year, or about \$1,770 per year for the entire Fetterly Drain. This amount is not nearly sufficient for the cleanout that is necessary today, notwithstanding the fact that the Drain Commission has no money in the Fetterly Drain account for cleanout of this drain. Parties other than the Oakland County Drain Commission, the owner of the Drain, must finance any improvements.

In 1994 the City Engineering Department requested that the Drain Commission begin the process for cleanout and improvement of the Fetterly Drain from Atkins Road (north of Square Lake) to the northern boundary of the City's Jaycee Park. This request was prompted by the need for maintenance and an offer by Joel Garrett that he would pay the cost of cleanout across two properties that he owned within the project limits impacted by the Fetterly Drain. The estimated cost of the project in 1998 after Professional Engineering Associates (PEA) completed design work was \$875,000. Mr.

Garrett's share was \$158,670 for improvements across his properties. The proposed city share was \$716,330.

Opponents of the project said that the improvements will destroy natural wetlands, eliminate a blue heron rookery and habitat for other wildlife and create drainage problems elsewhere in the area and downstream. Also, there was some public concern about the community at large paying for drain improvements that allegedly would drain wetlands and promote development of these lands (see attached May 20, 1998 Oakland Press article).

City funding for the project was considered and tabled by City Council at their May 4 & 18, 1998 meetings. On July 20, 1998 City Council determined that they would not undertake any enclosure or cleanout project at that time until the Hubbell, Roth and Clark Master Storm Drain Study for Troy was completed. The study was to prioritize storm drain projects based on the severity of the drainage system inadequacy. This study, completed in July 1999, rated the Fetterly Drain project a priority 2. A priority 2 meant simply "The limits of the existing drainage system are exceeded during a design year storm event." This rating contrast with priority 1, which applies to an existing drainage system has the potential to cause structure damage and/or is a public safety concern. There has been no further action regarding city funding of the Fetterly Drain since the publication of the Master Storm Drain Study.

Wattles Square, Inc. (Mr. Joel Garrett) submitted Tentative Preliminary Plat Applications, in December of 1999, for the proposed Oak Forest and Oak Forest South Subdivisions. City Staff requested revisions to the plats and permission to inspect the wetlands on the properties. The City's wetlands consultant conducted a wetlands determination using historical data, aerial photography and a windshield survey. In January 2000 the Planning Commission tabled the Tentative Preliminary Plats to enable completion of necessary information including an environmental review and City requested revisions to the plats. Four tabling actions occurred at the Planning Commission in response to the lack of environmental information provided by the developer. In February of 2001 revised plats were submitted and included Oak Forest North Subdivision. Oak Forest North was not part of the developer's share of the estimated drain improvement costs because Mr. Garrett did not own the property in 1998. The required environmental information was not provided for the three proposed subdivisions. City Staff requested the required information be provided, prior to submittal to the Planning Commission. In April 2001 a revised Oak Forest Subdivision then was submitted, including a MDEQ Wetlands Assessment Report. This request included substantially smaller area than the earlier submittals. Eventually, in July of 2001, City Council granted Tentative Preliminary Plat Approval to a 10 acre, 24 lot subdivision. This approval includes the framework for the subdivision, setting the size and location of the lots, location of road rights-of-ways and the conceptual stormwater management system. Final Tentative Plat Approval is the next phase of development approval and requires full engineering approval. (Enclosed is a timeline of the subdivision submittals and summary of the subdivision platting process).

Mr. Garrett has verbally committed to paying the entire cost of the Fetterly Drain improvements from his property south to the north line of Jaycee Park. Whereas the previous plan included city funding for work on properties not owned by Garrett, including property north and south of Square Lake Road, north of Garrett's property, the currently proposed Fetterly Drain project would begin on his property and end at the north line of Jaycee Park. City approval of the project, therefore, would require no cost participation from the City of Troy, unless the city wishes to extend the project all the way to Atkins Road.

Any consideration of cleaning out the Fetterly Drain between Jaycee Park and Atkins Road should recognize that this area is an acquisition as part of the bond issue as a proposed acquisition for open space and parkland. Mr. Garrett's southern most parcel, the proposed Oak Forest South subdivision, is adjacent to Jaycee Park and has been as an expansion of the park. City Staff informed Mr. Garrett there is interest in purchasing some of his property to expand Jaycee Park. In addition, Mr. Garrett was informed that some type of linear park along the Fetterly drain was also desired by the City to provide a pedestrian friendly path connecting Jaycee Park to Square Lake, and hopefully beyond. Since those early discussions, the City has purchased four parcels south of Square Lake and north of Mr. Garrett's properties and purchased property north of Square Lake to extend the proposed trail system north ultimately to Flynn Park. Mr. Garrett has been willing to consider providing a path along the Fetterly drain as part of his projects.

Preliminary discussions with Mr. Garrett were held regarding the desire for more acreage that would provide for a much wider linear park through his proposed subdivisions. He indicated an interest in pursuing that, but only if the City were able to purchase the property along Willow Grove and make an exchange for his property through the center of his proposed subdivisions.

Since the wetland map indicates the presence of wetlands between Jaycee Park and Square Lake Road. An on site investigation would be required to determine wetland and natural feature limits. It should be noted that Mr. Garrett has expressly prohibited city officials or their consultants from entering upon his property to identify wetland and their limits, except for the 10 acre Oak Forest Subdivision with Tentative Preliminary Plat Approval. Without proper identification of size, location and limits of wetlands or natural features we cannot determine whether the property would be buildable, and therefore significantly alter Mr. Garrett's offer to pay for improvements to the Fetterly Drain.

Given the City's interest in a linear park from Jaycee Park to Square Lake, should management proceed to provide the necessary easements for the developer to complete the drain work or should the City proceed with attempting to work out a land transaction to acquire the linear park? We respectfully request your guidance on the City's position on approval of the proposed Fetterly Drain project.

**OAK FOREST (REVISED) SUB.
TENT. PREL. PLAT APPROVED**

PROPOSED
OAK FOREST NORTH SUB.

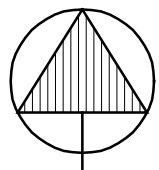
POSSIBLE FUTURE DEVELOPMENT

PROPOSED
OAK FOREST SOUTH SUB.

CITY OWNED PROPERTY

JAY CEE PARK

PROPOSED
ABBOTSFORD
PARC SUB.



NORTH



- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION,
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES
ON SITE OR LAYOUT OF STRUCTURES



- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION,
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES
ON SITE OR LAYOUT OF STRUCTURES



KEVIN R. LARSEN
Chief Deputy Drain Commissioner
(248) 858-0981

JOHN P. McCULLOCH
OAKLAND COUNTY DRAIN COMMISSIONER
BUILDING 95 WEST
ONE PUBLIC WORKS DRIVE
WATERFORD MI 48328-1907
(248) 858-0958
FAX (248) 858-1066

WILLIAM E. KLOCKOW, P.E.
Deputy and Manager
Engineering & Construction
(248) 858-1094

DOUGLAS A. BUCHHOLZ, P.E.
Deputy and Manager
Operations & Maintenance
(248) 858-1119

October 29, 2001

Neall Schroeder, P.E.
Engineering Department
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

RECEIVED BY

OCT 31 2001

ENGINEERING

Reference: **Fetterly Drain**
Proposed "Oak Forest" Subdivision

Dear Mr. Schroeder:

A preliminary plat for the proposed "Oak Forest" Subdivision has been submitted to this office by Professional Engineering Associates. The preliminary plat indicates that the subdivision will be located in the N.E. ¼ of Section 11, City of Troy and will involve the Fetterly Drain. The Fetterly Drain is a legally established County Drain under this office's jurisdiction.

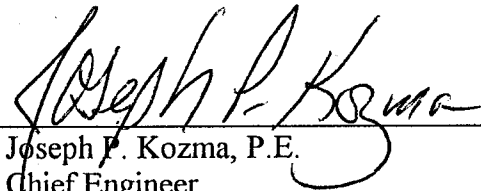
Previous proposals involving the Fetterly Drain resulted in controversy and intense negative reaction from the public toward both this office and the City of Troy. Therefore, prior to completing our review of the "Oak Forest" preliminary plat, Drain Commissioner John McCulloch thought it advisable to schedule a meeting with appropriate representatives of the City of Troy, the Developer, Wattles Square, Inc., and this office to review the proposal.

As we discussed, please provide this office with a few times and dates convenient with the appropriate Troy representatives to meet in this office with Mr. McCulloch to discuss the matter.

Thank you for your cooperation. If you have any questions, please call.

Very truly yours,

OAKLAND COUNTY DRAIN COMMISSIONER

By: 
Joseph P. Kozma, P.E.
Chief Engineer

JPK/bjt

cc: Joel Garrett

d:\twyman\kozma\fetterlydrain.ltr

Questions clog drain work

By BOB GRITZINGER
Of The Oakland Press

TROY Allegations are swirling over plans to improve a simple dirt ditch draining a swampy, wooded area south of Square Lake Road near John R.

On one side of the dispute are the Oakland County Drain Commission and local developer Joel Garrett. Both have hired the same Troy engineering firm, Professional Engineering Associates Inc., to work on the project involving the Fetterly Drain.

If the drain is improved as proposed, Garrett can develop his property and other residents and properties in the 320-acre area served by the drain will be protected from flooding, supporters contend.

On the other side are some local residents and city officials who want to know why the \$368,000 project to clean the half-mile open drain has ballooned to \$875,000 for a covered drain.

"It appears he (the developer) is trying to get the city and taxpayers to pay to drain wetlands that he bought cheap so he can develop it," said resident Lon Ullman, whose questions prompted city officials to delay the project.

"All I know is that suddenly we're faced with covering a drain that no one can ever recall overflowing its banks," said Troy Mayor Jeanne Stine.

Opponents say the improvements will destroy natural wetlands, eliminate a 20-nest blue heron rookery and habitat for other wildlife and

create drainage problems elsewhere in the area and downstream.

"We don't want to see the wetlands drained and developed and we sure don't want our members who live in Troy to have to pay for it," said Nolan Bennett, programs director for Clean Water Action, a statewide nonprofit environmental group with 3,000 members in Troy.

"We have some real concerns about this use of taxpayers' dollars," Bennett said.

City officials have postponed action on the project several times since mid-April. On Monday, the council delayed action until June 15 and authorized assistant city manager John Szerlag to send a letter to the drain commission asking a series of questions.

Among those concerns:

- Whether the drain is capable of handling a "10-year" rain estimated at 2.91 inches of rain per hour;

- Whether improving the drain is justified compared with simply clearing it;

- How much the developer is contributing to the cost and whether it is equal to the expected benefit;

- If a regional water-retention basin might be a better alternative than enclosing the drain.

Joseph Kozma, drain commission chief engineer, has not seen the letter, but offered some answers.

He said county standards require that the drain be capable of handling a 10-year storm flow.

The drain was built in 1945 so the land could be farmed, but now has filled with silt and no longer is functioning adequately. It is creating wetlands, he said.

If the drain is simply dredged and widened to county standards, which require a more gradual

slope into the drain, property alongside it would have to be acquired and many trees cut down, Kozma said.

Costs were estimated at \$875,000, he said, with the city paying \$716,000 and Garrett paying \$159,000, based on his percentage of frontage along the drain.

Kozma and Richard Graham, chairman of Professional Engineering Associates, confirmed that the engineering firm is working under contract for both the county drain commission and the developer who will benefit from the drain project.

But both men said the apparent conflict of interest has not affected the drain improvement proposal. They said the project was engineered at the request of city officials to meet county standards.

Kozma said he resents any insinuations about the project, saying the county hires many engineering firms as consultants that may also represent developers or land owners affected by drain projects. County oversight ensures that projects are designed to specifications no matter what firm is involved.

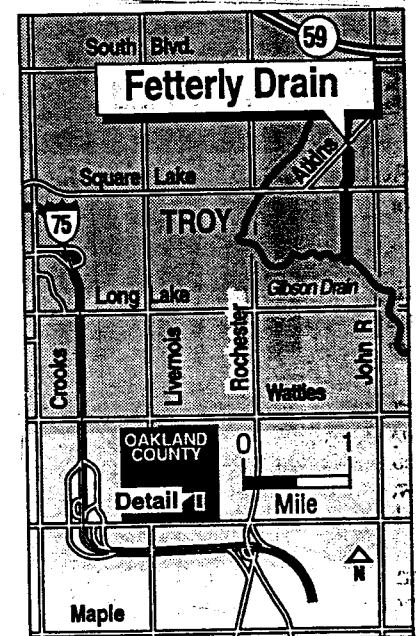
Ullman doesn't buy it.

"I see a real serious conflict of interest," he said.

A portion of the Fetterly Drain in Troy, south of Square Lake Road. The Oakland Press/AMY E. POWERS



Developer's plan to improve Fetterly Drain raises questions



Oak Forest & Oak Forest South Time Line
Tentative Preliminary Plat Application

- 12-17-1999 Wattles Square, Inc. submitted Tentative Preliminary Plat Applications for Oak Forest and Oak Forest South Subdivisions.
- 01-05-2000 City Staff requested revisions to plats & permission for inspection of wetland on sites.
- 01-10-2000 City Subdivision Control Ordinance revised to have City staff confirm natural features information in report form prior to submitting Preliminary Plat to the Planning Commission.
- 01-10-2000 Planning Department received Preliminary Wetland Evaluations by City consultant, however, consultant did not enter property.
- 01-11-2000 Planning Commission **tabled** plats to March 14 meeting **at request of Petitioner** to enable completion of environmental review and City requested revisions to plats.
- 03-14-2000 Planning Commission **tabled** plats to April 11 meeting **at request of Petitioner**.
- 04-05-2000 **Petitioner requested tabling** of the plats to May 9 meeting.
- 04-11-2000 Planning Commission **tabled** the plats "Until receipt of complete plat submission".
- 02-07-2001 City received revised plats for Oak Forest and Oak Forest South.
- 03-02-2001 City requested additional information including Wetland Report/Evaluation to complete applications.
- 04-24-2001 City received application for Oak Forest Subdivision (Revised) only. MDEQ Wetland Assessment & written permission to enter property submitted by applicant.
- 06-04-2001 City requested revised plat for June 12 Planning Commission meeting.
- 06-07-2001 City received revised plat.
- 06-12-2001 City received updated Wetland Evaluation and Map by City consultant, after on-site inspection.
- 06-12-2001 Planning Commission recommended approval of Tentative Preliminary Plat of Oak Forest Subdivision (Revised).
- 07-09-2001 City Council postponed Tentative Preliminary Plat for Oak Forest Subdivision (Revised) to July 23 meeting.
- 07-23-2001 City Council granted Tentative Preliminary Plat for Oak Forest Subdivision (Revised), subject to the City requesting a MDEQ Wetlands Permit public hearing before continuation of the Final Plan Approval Process.

PLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Tentative Preliminary Plat Approval

The following items are included in the **Tentative Approval** process:

- Existing Conditions
- Tree Preservation Plan
- Street layout
- Number of lots
- Building setbacks
- Lot dimensions
- Stub Street for possible future developments
- Locations of easements
- The Planning Department analyses the potential future development of the abutting property.
- The developer must provide locations of wetlands and natural features on the property and the method of preservation.
- An environmental impact statement is required if the development consists of 25 lots or more.
- A sign is placed on the property informing the public of the proposed development.
- A notice of the public meeting before Planning Commission is mailed to the abutting property owners.

Final Preliminary Plat Approval


The following items are included in the **Preliminary Plat- Final Approval** process:

- Determine that all city development standards are met and complied with.
- Capacity of sanitary and storm sewers
- Size and location of Water mains
- Size and location of Detention / Retention basins
- Grading and rear yard drainage
- Paving and widening lanes
- Financial guarantees
- Sidewalk and driveway approaches
- Approval from other government agencies involved with the development.
- Verification of wetlands and M.D.E.Q. permit if necessary.
- Agreements, covenants or other documents for the dedication of land for public use or property owners use.

Final Plat Approval

Final Approval checks for conformance with the approved Tentative and Final Preliminary Plats and that all property conveyances such as R.O.W, Easements, Open Space and Parks are in proper order.

November 29, 2001

TO: The Honorable Mayor and City Council
FROM: John Szerlag, City Manager 
SUBJECT: LinkMichigan Regional Telecommunications Planning Program

At our last Study Session, I mentioned that staff members will be attending the above referenced program sponsored by the Michigan Economic Development Corporation to discuss Governor Engler's proposed statewide telecommunications infrastructure initiative. I believe the salient issue here is State control over local rights of way; and the assertion that the State of Michigan can charge for the use thereof. If implemented, this program may affect our current ordinance and franchise agreements.

Other issues that should be addressed relative to a proposed statewide telecommunications infrastructure system follow:

- 1) What impact would the State program have on Troy's telecommunications ordinance and franchise agreements?
- 2) Applicants should be required to post a cash deposit for restoration of the right of way, and the cost for restoration should be determined by individual municipalities as standards will vary.
- 3) The cross section of rights of way in urban areas like Troy are crowded. There should therefore be a minimum required distance from fiber optic lines in relation to other infrastructure components; i.e., water, sewer, gas, electricity.

Please feel free to call me should you have any questions.

cc: G. Shripka; Assistant City Manager/Services
J. Lamerato; Assistant City Manager/Finance & Administration
L. Bluhm; City Attorney
D. Smith; Real Estate & Development Director



MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

300 N. WASHINGTON SQ.
LANSING, MI 48913

CUSTOMER ASSISTANCE
517 373 9808

WWW.MICHIGAN.ORG

November 7, 2001

Dear Local Government Official:

We are writing to invite you and other leaders from your community to a kick-off event for the LinkMichigan Regional Telecommunications Planning Program:

December 4, 2001, 10:00 a.m. – 3:00 p.m.
Kellogg Conference Center
Michigan State University
South Harrison Road
East Lansing, Michigan

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Corporation

PRESIDENT & CEO
DOUG ROTHWELL

The Michigan Economic Development Corporation (MEDC) recently launched LinkMichigan, a four-prong effort to transform Michigan's telecommunications infrastructure into one of the most robust and advanced in the nation. As a key leader in your community, we know you understand that improving high-speed telecommunications services is critical for Michigan's growth in the new century.

As you may recall, the MEDC released a LinkMichigan strategy earlier this year to help speed infrastructure investment around the state. This plan includes four key action items:

1. **Leveraging statewide public demand** to create and add to a high-speed backbone. The collective purchasing of telecommunications services provides an attractive customer base to potential providers and will enable them to enter this market where otherwise they may not.
2. **Establishing a regulatory environment** that encourages telecommunications investment through tax and permitting fairness that includes a common fee system and common rules for carriers in the permitting system.
3. **Assuring that quality information is available** from carriers regarding quality of service and location of services.
4. **Providing regional telecommunications planning assistance grants** to enable communities across Michigan to develop local strategies for improving telecommunications services.

Local Government Official
Page 2
November 7, 2001

The MEDC will make grants available to counties to prepare regional telecommunications plans and strategies. (See enclosed program guidelines.) Assisting in this effort is Merit Network Inc., a private non-profit organization that provides Internet access for Michigan's universities and other educational institutions.

The MEDC and Merit will host this statewide, one-day conference in East Lansing to present and discuss this new Michigan Regional Telecommunications Planning Program. The conference will be from 10:00 a.m. to 3:00 p.m. and lunch will be provided.

Attendees will learn more about LinkMichigan, how to apply for planning assistance grants, and how other innovative regions around the country have acted to improve telecommunications infrastructure.

There is no charge to attend this conference and we hope you and other leaders from your area will attend. Follow-up regional workshops will also be held early next year in:

Detroit area	January 8, 2002	Location to be announced
Marquette	January 10, 2002	Northern Michigan University
Roscommon	January 15, 2002	Kirtland Community College
Grand Rapids	January 22, 2002	Grand Valley State University


These additional workshops will provide further details on the program and provide technical assistance in developing project proposals.

Pre-registration for the December 4th statewide session is required. If you are interested in registering or have any questions, please contact the MEDC at (517) 373-6213 or Merit at (734) 936-3845. For additional information and on-line registration see: <http://www.merit.edu/linkmichigan/>

Sincerely,



Doug Rothwell
President and
Chief Executive Officer
Michigan Economic Development
Corporation



Hunt Williams
President
Merit Network, Inc.

Enclosure

Michigan Regional Telecommunications Planning Program Guidelines

Proposed projects under the Michigan Regional Telecommunications Planning Program will be considered and funded from two separate funding sources: the Michigan Community Development Block Grant (CDBG) Program and Michigan Economic Development Corporation (MEDC) funds. Michigan CDBG funds will be used for projects in eligible local governments, typically, non-metropolitan communities under 50,000 in population. MEDC funds will be used for projects in metropolitan communities that are not eligible to receive Michigan CDBG funds. Program requirements are:

1. All proposed projects must be county or multi-county projects. Project proposals from individual cities, villages, or townships will not be considered for funding. Multi-county projects must have approval and sign-offs by all involved counties. This includes a governing body resolution and signed certifications. For multi-county projects, one county must be designated as the grant administering entity.
2. Planning projects focused on local municipal ownership will not be funded unless a formal solicitation process for services from the private sector has been exhausted, and the local entity can demonstrate to the MEDC an inability to obtain the services from the private sector.
3. The maximum grant amount for individual countywide planning initiatives may not exceed \$100,000. Multi-county awards will be evaluated on a case-by-case basis and may exceed \$100,000 for larger regional applications.
4. The minimum matching requirement for all projects is 75% state and 25% local (a 3 to 1 match requirement). Priority consideration will be given to projects exceeding this matching requirement. No in-kind contributions are allowed.
5. The telecommunications plan should be completed within one year.
6. For CDBG considered projects, projects must qualify for funding based on job creation or area-wide benefit to low and moderate-income people. For job creation, the planning project must demonstrate that it will lead to an implementation project resulting in job creation with at least 51 percent of the jobs being made available to, or held by, low and moderate-income people. For area-wide benefit, the project must serve an area where the population is comprised of at least 51 percent low and moderate-income people. While job creation is a goal for this initiative in all parts of the state, proposals from CDBG entitlement communities need not meet these specific requirements.

The MEDC will only provide funding for planning assistance; it will not fund implementation of plans. It should also be noted that future economic development infrastructure projects involving telecommunications (i.e. construction and/or hardware projects) that are submitted to the MEDC for assistance will only be considered in cases where a county or multi-county telecommunications plan has been completed and the proposed project is consistent with the plan. These projects will also be required to demonstrate that the private telecommunications sector has been solicited in addressing infrastructure needs.

Michigan Regional Telecommunications Planning Program Guidelines
Page 2

Interested Michigan CDBG-eligible local governments may submit a CDBG Notice of Intent (NOI). Interested local governments in metropolitan areas may submit an MEDC NOI. NOI forms will be available at the statewide conference and all of the regional seminars. NOIs will be accepted on a continuous basis beginning December 5, 2001. They should be mailed to the following address:

Mr. Thomas Freeman
Michigan Economic Development Corporation
300 N. Washington Square, 4th floor
Lansing, MI 48913

Staff from both the MEDC and Merit is available to assist in the preparation of NOIs. To contact the MEDC, please call (517) 373-6213; to contact Merit, please call (734) 936-3845. A partial list of consulting firms that can undertake telecommunications planning studies will be available at the December 4 statewide conference and at the four regional seminars scheduled for January. The regional seminars are scheduled for:

January 8, 2001	Detroit area
January 10, 2001	Marquette
January 15, 2001	Roscommon
January 22, 2001	Grand Rapids

Please call the MEDC or Merit for specific times and locations.

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Monday, November 26, 2001

The Detroit News

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THE DETROIT NEWS has a gift...
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Lansing, Don't Overtax Internet Technology

By The Detroit News

Michigan would rank among the costliest states for Internet services under newly drafted legislation from the Engler administration. If enacted, consumers would pay heavily in both higher prices and fewer online choices.

The draft bill represents a sweeping expansion of state powers over the telecommunications industry, bucking the trend in other states and at the federal level toward deregulation. Telecommunications refers to various methods of transmitting voice, video images and data, such as high-speed Internet connections, cable television, wireless telephones and other forms of communications technology.

The governor is proposing a massive new tax on telephone and cable lines that carry Internet access, as well as a new state bureaucracy to control the development of Internet connections. Estimates of the proposed new tax burden range from \$70 million to \$100 million.

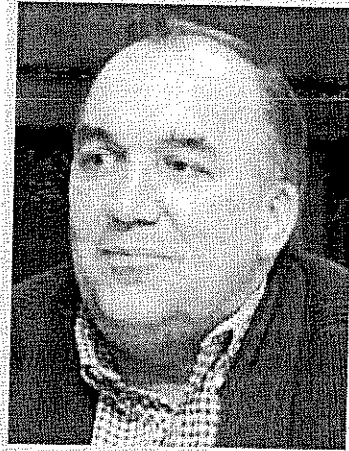
Higher taxes and more burdensome regulation would limit telecommunications investment in Michigan rather than promote it. Most other states are cutting fees rather than raising taxes on technology investment.

Under current law, municipalities are authorized to charge telecommunications firms for the cost of locating lines on public property. Engler instead is pushing for an annual tax of 7 cents per linear foot of line laid along public property. The tax would be adjusted for inflation each year.

Service providers also would be required to pay \$500 to apply for right-of-way access. Local governments could charge for administrative costs associated with processing the application.

Roughly half the new tax revenue would be split among local communities based on the line footage within their boundaries. The balance -- tens of millions of dollars -- would be doled out by the state to subsidize new telecommunications services statewide and improve Internet access for rural and low-income customers.

The bill would require the Michigan Public Service Commission to determine how to apply a comparable fee to wireless carriers, thereby raising costs on the technology that could create the strongest competition



Gov. Engler

The Issue

Should Lansing levy heavy new taxes on various forms of telephone, television and Internet communications?

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raising costs on the technology that could create the strongest competition to the cable and telephone firms now dominating the Internet market.

The investment in high-speed lines in Michigan, in fact, has followed a rational course, flowing first to regions where profit potential is greatest. As service volume increases, costs fall, allowing companies to expand into less profitable rural markets. Satellite service, meanwhile, is available statewide.

The bill is of questionable legality. Previous court rulings have held that utilities can't be subjected to confiscatory price controls. But that is what would result should the proposed Internet tax be adopted.

The far better course would be for the governor to steer clear of this tax-and-spend plan that would slow the development of high-speed Internet connections and undermine the state's economic growth.

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G-18 Equalizer Presentation

Staff would like to make a 10-minute presentation to City Council. The presentation will highlight the benefits of the Equalizer received by both the citizens and City staff.